The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer: Let us pray.
Wondrous and sovereign God, thank You for the gifts of a new day and borrowed love. We trust in Your unfailing love and rejoice in Your salvation.
Lord, Your words are right and true. Your plans stand firm forever. In these challenging times, rule our world by Your wise providence.
As the Members of Congress seek to do Your will, help them to hate lies and embrace the truth. Give them the wisdom to guard their lips and weigh their words. Guide them with Your righteousness and integrity. May they leave such a legacy of faithfulness that generations to come will be inspired by their courage.
And, Lord, we continue to pray for Ukraine.
We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE
The President pro tempore led the Pledge of Allegiance, as follows:
I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME
The President pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS
The President pro tempore. Morning business is closed.

LEGISLATIVE SESSION
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2023
The President pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 7900, which the clerk will report.

The senior assistant legislative clerk read as follows:
A bill (H.R. 7900) to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and 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.
There being no objection, the Senate proceeded to consider the bill.

The President pro tempore. The Senator from Rhode Island (Mr. REED), proposes an amendment numbered 5499, as follows:

Mr. REED. Mr. President, I call up amendment No. 5499, as modified, and ask that it be reported by number.

The President pro tempore. Without objection, it is so ordered.

The senior assistant legislative clerk read as follows:
The Senator from Rhode Island (Mr. REED) for himself and Mr. INHOFE, proposes an amendment numbered 5499, as modified.

The amendment (No. 5499), as modified, is as follows:
Strike all after the enacting clause and insert the following:
SECTION 1. SHORT TITLE.
This Act may be cited as the “James M. Inhofe National Defense Authorization Act for Fiscal Year 2023”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.
(a) DIVISIONS.—This Act is organized into twelve 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.

(7) Division G—Department of State Authorizations.
(8) Division H—Matters Related to Taiwan.
(9) Division I—Homeland Security and Governmental Affairs Matters.
(12) Division L—Oceans and Atmosphere.
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.
Sec. 4. Budgetary effects of this Act.
DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS
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Sec. 101. Authorization of appropriations.

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Sec. 111. Limitations on production of Extended Range Cannon Artillery howitzers.

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Sec. 125. Tomahawk cruise missile capability on FFG–62 class vessels.
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Sec. 127. Extension of prohibition on availability of funds for Navy port waterborne security barriers.
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Sec. 142. Modification of inventory requirements for air refueling tanker aircraft.
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Sec. 151. Parts for commercial derivative aircraft and engines and aircraft based on commercial design.

Sec. 152. Assessment and strategy for fielding counter unmanned aerial systems swarm capabilities.

Sec. 153. Treatment of nuclear modernization and hypersonic missile programs within Defense Priorities and Allocations System.


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Sec. 220. Pilot program to facilitate the development of electric vehicle battery technologies for warfighters.

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Sec. 232. Strategy and plan for strengthening and fostering defense innovation and technology transition.

Sec. 233. Modification of Director for Operational Test and Evaluation annual report.

Sec. 234. Extension of requirement for quarterly briefings on development and implementation of strategy for fifth generation information and communications technologies.

Sec. 235. Report on estimated costs of conducting a minimum frequency of hypersonic weapon testing.

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Sec. 237. Qualitative assurance capability for security of microelectronics.

Sec. 238. Clarification of role of Chief Digital and Artificial Intelligence Officer.

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Sec. 323. Renewal of annual environmental and energy reports of Department of Defense.

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Sec. 5255. Expansion of the ability for selection board to recommend officers of particular merit for promotion.

Sec. 5256. Modification to education loan repayment program.

Sec. 5257. Retirement of Vice Commandant.

Sec. 5258. Report on resignation and retirement processing times and denial.

Sec. 5259. Physical disability evaluation system procedure review.

Sec. 5260. Expansion of authority for multirater assessments of certain personnel.

Sec. 5261. Promotion parity.

Sec. 5262. Partnership program to diversify the Coast Guard.

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Sec. 5264. Improving representation of women and racial and ethnic minorities among Coast Guard active-duty members.

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Sec. 5266. Programs for Coast Guard Academy.

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Sec. 5290. Modification of prohibition on operation or procurement of foreign-made unmanned aircraft systems.

Sec. 5291. Operational data sharing capability.

Sec. 5292. Procurement of tethered aerostat radar system for Coast Guard Station South Padre Island.

Sec. 5293. Assessment of Iran sanctions relief on Coast Guard operations under the Joint Comprehensive Plan of Action.

Sec. 5294. Report on shipyards of Sweden.

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TITLE LIII—ENVIRONMENT

Subtitle A—Marine Mammals

Sec. 5301. Definition of Secretary.

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Sec. 5302. Definition of Secretary.

Sec. 5303. Authorization to ports to reduce the impacts of vessel traffic and port operations on marine mammals.

Sec. 5304. Near real-time monitoring and mitigation program for large cetaceans.

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Subtitle C—Oil Spills

Sec. 5307. Transfer and conveyance.

Sec. 5308. Improving oil spill preparedness.

Sec. 5309. Western Alaska oil spill planning criteria.

Sec. 5310. Improvement of oil spill preparedness.

Sec. 5311. Oil spill planning criteria.

Sec. 5312. Assistance to ports to reduce the impacts of vessel traffic and port operations on marine mammals.

Sec. 5313. Near real-time monitoring and mitigation program for large cetaceans.

Sec. 5314. Pilot program to establish a Cetacean Desk for Puget Sound region.

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Sec. 5201. Short title.
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TITLE LII—REGIONAL OCEAN PARTNERSHIPS

Sec. 5301. Short title.
Sec. 5302. Findings; sense of Congress; purposes.
Sec. 5303. Regional Ocean Partnerships.

TITLE LIII—NATIONAL OCEAN EXPLORATION

Sec. 5401. Short title.
Sec. 5402. Findings.
Sec. 5403. Definitions.
Sec. 5404. Ocean Policy Committee.

Sec. 5406. Modifications to the ocean exploration program of the National Oceanic and Atmospheric Administration.

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TITLE LV—MARINE MAMMAL RESEARCH AND RESPONSE

Sec. 5501. Short title.
Sec. 5502. Data collection and dissemination.
Sec. 5503. Stranding or entanglement response agreements.
Sec. 5504. Unusual mortality event activity funding.
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Sec. 5508. Health Map.
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TITLE LVI—VOLCANIC ASH AND FUMES

Sec. 5601. Short title.
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TITLE LVII—WILDFIRE AND FIRE WEATHER PREPAREDNESS

Sec. 5701. Short title.
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Sec. 5703. Establishment of fire weather services program.
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Sec. 5710. Incident Meteorologist Service.
Sec. 5711. Advanced surface observing system.
Sec. 5712. Emergency response activities.
Sec. 5713. Government Accountability Office report on interagency wildfire forecasting, prevention, planning, and management bodies.

Sec. 5714. Amendments to Infrastructure Investment and Jobs Act relating to wildfire mitigation.
Sec. 5715. Wildfire technology modernization.
Sec. 5716. Cooperation; coordination; support to non-Federal entities.
Sec. 5717. Interagency coordination.
Sec. 5718. Submissions to Congress regarding the fire weather services program, incident meteorologist workforce needs, and National Weather Service workforce support.
Sec. 5720. Fire weather rating system.
Sec. 5721. Avoidance of duplication.
Sec. 5722. Authorization of appropriations.

TITLE LVIII—LEARNING EXCELLENCE

Sec. 5801. Short title.
Sec. 5802. Definitions.
Sec. 5803. Purposes.
Sec. 5804. Plan and implementation of plan to make certain models and data available to the public.
Sec. 5805. Requirements to review models and leverage innovations.
Sec. 5806. Report on implementation.
Sec. 5807. Protection of national security interests.
Sec. 5808. Authorization of appropriations.


DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby appropriated for fiscal year 2023 for procurement for the Army, the Navy and the Marine Corps, the Air Force and the Space Force, and defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. LIMITATIONS ON PRODUCTION OF EXTENDED RANGE CANNON ARTILLERY HOWITZERS.

(a) LIMITATIONS.—In carrying out the acquisition of Extended Range Cannon Artillery howitzers, the Secretary of the Army shall—

(1) limit production of prototype Extended Range Cannon Artillery howitzers to not more than 18;

(2) compare the cost and value to the United States Government of a Paladin Integrated Management-modification production approach with a new-build production approach;

(3) include in any cost analysis or comparison—

(A) the value of a Paladin howitzer that may be modified to produce an Extended Range Cannon Artillery howitzer; and

(b) the production value of government-owned infrastructure that would be leveraged to facilitate the modification;

(4) use a full and open competitive approach using best value criteria for post-proto
type production source selection; and

(5) base any production strategy and source selection decisions on a full understanding of the cost of production, including—

(A) the comparison of production approaches described in paragraph (2); and

(b) any cost analysis or comparison described in paragraph (3).

(b) CERTIFICATION.—Before issuing a request for proposal for the post-prototype production of an Extended Range Cannon Artillery howitzer, the Secretary of the Army shall—

(1) certify to the congressional defense committees that the acquisition strategy upon which the request for proposal is based complies with the requirements of subsection (a); and

(2) provide a briefing to the congressional defense committees on that acquisition strategy and the relevant cost and value comparison described in subsection (a).

Title C—Naval Programs

SEC. 121. DDG(X) DESTROYER PROGRAM.

(a) IN GENERAL.—Notwithstanding subsection (e)(1) of section 3301 of title 10, United States Code, and in accordance with subsection (e)(9) of such section, the Secretary of the Navy, for the covered program, shall—

(1) award prime contracts for concept design, preliminary design, and contract design to eligible shipbuilders;

(2) award prime contracts for detailed design and construction only to eligible shipbuilders; and

(3) allocate not less than one vessel and not more than two vessels in the covered program to each eligible shipbuilder before making a competitive contract award for the construction of vessels in the covered program.

(b) COLLABORATION REQUIREMENT.—The Secretary of the Navy shall maximize collaboration between the Federal Government and eligible shipbuilders throughout the design, development, and production of the covered program.

(c) COMPETITIVE INCENTIVE REQUIREMENT.—The Secretary of the Navy shall provide for competitive incentives throughout the design, development, and production of the covered program, including the following:

(1) Design labor hours, provided neither eligible shipbuilder has fewer than 30 percent of aggregate design labor hours in any phase of vessel design.

(2) Competitive solicitations for vessel procurement following the actions required by subsection (a)(3).

(d) TECHNOLOGY MATURATION REQUIREMENTS.—The Secretary of the Navy shall incorporate into the acquisition strategy of the covered program the requirements of the following:


(e) TRANSITION REQUIREMENT.—The Secretary of the Navy shall ensure a transition from the Arleigh Burke-class destroyer program to the covered program that maintains predictable production workload at eligible shipbuilders.

(f) DEFINITIONS.—In this section:

(1) COVERED PROGRAM.—The term ‘‘covered program’’ means the DDG(X) destroyer program.
SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 3501 of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts for the procurement of up to 15 Arleigh Burke class Flight III guided missile destroyers.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into one or more contracts, beginning in fiscal year 2023, for advance procurement associated with the destroyers for which authorization to enter into a multiyear procurement contract is provided under subsection (a), and for systems and subsystems associated with such destroyers in economic order quantities when cost savings are achievable.

(c) LIABILITY.—Any contract entered into under subsection (a) shall provide that any obligation to acquire any property or services in any year is subject to the availability of appropriations or funds for that purpose for such later year.

(d) CONTRACT REQUIREMENT.—

(1) In general.—The Secretary of the Navy shall ensure that a contract entered into under subsection (a) includes a priced option to procure an additional such destroyer in each of fiscal years 2023 through 2027.

(2) OPTION DEFINED.—In this subsection, the term “option” has the meaning given that term in section 2.101 of the Federal Acquisition Regulation (or any successor regulation).

SEC. 123. BLOCK BUY CONTRACTS FOR SHIP-TO-SHORE CONNECTOR PROGRAM.

(a) BLOCK BUY CONTRACT AUTHORITY.—Beginning in fiscal year 2023, the Secretary of the Navy may enter into one or more block buy contracts for the procurement of up to 10 Ship-to-Shore Connector class craft and associated material.

(b) LIABILITY.—Any contract entered into under subsection (a) shall provide that—

(1) any obligation of the United States to make payment under the contract is subject to the availability of appropriations for that purpose; and

(2) the total liability of the Federal Government, for purposes of cost savings under the preceding sentence, shall be limited to the total amount of funding obligated to the contract at the time of termination.

(c) CONTRACT REQUIREMENT.—A contract may not be entered into under subsection (a) unless the Secretary of the Navy certifies to the congressional defense committees, in writing, that the total anticipated costs of carrying out the contract are not excessive.

(d) CONTRACT REQUIREMENT.—A contract may not be entered into under subsection (a) unless—

(1) the estimated end cost and appropriated funds by fiscal year, by hull, without the authority provided in subsection (a); and

(2) the estimated end cost and appropriated funds by fiscal year, by hull, with the authority provided in subsection (a).

(e) THE CONTRACTUAL ACTIONS.—The Secretary of the Navy shall ensure that any award for a covered contract or contract modification includes a separate and distinct line item for workforce development required under subparagraph (A), if the Secretary determines that such workforce development is necessary to achieve the milestones described in subparagraph (A), if the Secretary receives a written commitment from one or more entities described in paragraph (2) of a separate and distinct cumulative contribution for workforce development related to the contract described in subparagraph (A), and if—

(i) the amount is—

(I) equal to the amount of the contribution described in subparagraph (A), if the contribution is less than one-half of one percent and more than one percent of the target price of the contract concerned, and

(II) equal to the amount of funding in the line item for workforce development required under subsection (a)(1) shall be not less than one-half of one percent and more than one percent of the target price of the contract concerned.

(b) MATCHING CONTRIBUTION REQUIREMENT.—In general.—Funds for a line item for workforce development required under subsection (a)(1) may be obligated only—

(A) if the procurement is less than one-half of one percent of the target price of the contract concerned, and

(B) in an amount that is—

(i) equal to the amount of the contribution described in subparagraph (A), if the contribution is less than one-half of one percent and more than one percent of the target price of the contract concerned, and

(ii) equal to the amount of funding in the line item for workforce development required under subsection (a)(1) shall be not less than one-half of one percent and more than one percent of the target price of the contract concerned.

(c) ENTITIES DESCRIBED.—The entities described in this paragraph are the following:
“(A) The prime contractor receiving the award described in subsection (a)(1).”

“(B) A qualified subcontractor.

“(C) A State government or other State entity.

“(D) A county government or other county entity.

“(E) A local government or other local entity.

“(c) AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—Funds for a line item for workforce development required under subsection (b)(1) may be used only to provide for the activities described in paragraph (2) in support of the production and production support workforce of the prime contractor and subcontractor.

“(2) ACTIVITIES DESCRIBED.—The activities described in this paragraph are the following:

“(A) The creation of short- and long-term workforce housing, transportation, and other support services to facilitate attraction, relocation, and retention of workers.

“(B) The expansion of local talent pipeline programs for both new and existing workers.

“(C) Investments in long-term outreach in middle and high school programs, specifically those early education programs, to encourage students to pursue manufacturing skills.

“(D) Facilities developed or modified for the primary purpose of workforce development.

“(E) Direct costs attributable to workforce development.

“(F) Attraction and retention bonus programs.

“(G) On-the-job training to develop key manufacturing skills.

“(d) APPROVAL REQUIREMENT.—The service acquisition executive of the Navy shall—

“(1) provide the final approval of the use of funds for a line item for workforce development authorized in subsection (a)(1) and

“(2) not later than 30 days after the date on which such approval is provided, certify to the congressional defense committees compliance with the requirements of subsections (b) and (c), including—

“(A) a detailed explanation of such compliance; and

“(B) the associated benefits to—

“(i) the Federal Government; and

“(ii) the shipbuilding industrial base of the Navy.

“(e) QUALIFIED SUBCONTRACTOR DEFINED.—In this section, the term ‘qualified subcontractor’ means a subcontractor to a prime contractor receiving an award described in subsection (a)(1) that will deliver the vessel or vessels covered by the award to the Navy.

“(f) CRITICAL AMENDMENT.—The table of sections at the beginning of chapter 863 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts and contract modifications entered into on or after June 1, 2023.

“(g) APPLICABILITY.—Section 8896 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts and contract modifications entered into on or after June 1, 2023.

“SEC. 127. EXTENSION OF PROHIBITION ON AVAILABLE-ABILITY OF FUNDS FOR NAVY PORT WATERBORNE SECURITY BARRIERS.


“(b) TECHNICAL AMENDMENT.—Subsection (b)(4) of such section is amended by striking ‘‘section 2304’’ and inserting ‘‘sections 3201 through 3210’’.

“SEC. 128. LIMITATION ON RETIREMENT OF E-6B AIRCRAFT.

“The Secretary of the Navy may take no action that would prevent the Navy from maintaining the required capability in the configuration and capability in effect as of the date of the enactment of this Act until the date on which the Chair of the Joint Requirements Oversight Council certifies in writing to the congressional defense committees that the replacement capability for the E-6B aircraft will—

“(1) be fielded at the same time or before the retirement of the E-6B aircraft; and

“(2) result in equal or greater capability available to the commanders of the combatant commands.

“SEC. 129. EA-18G AIRCRAFT.

“(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act for fiscal year 2023 for the Navy may be obligated to retire, prepare to retire, or place in storage or in backup aircraft inventory any EA-18G aircraft.

“(b) TRANSFER OF AIRCRAFT.—The Secretary of the Navy shall transfer the EA-18G aircraft associated with the expeditionary land-based electronic attack squadrons to the Navy Reserve.

“(c) ESTABLISHMENT OF SQUADRONS.—The Secretary of the Air Force shall designate one or more units from the Air National Guard of the Air Force Reserve to join with the Navy Reserve to establish one or more joint service expeditionary, land-based electronic attack squadrons to match the capability of such squadrons assigned to Naval Air Station Whidbey Island, Washington, as of the date of the enactment of this Act.

“(d) REPORT ON IMPLEMENTATION PLAN.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Air Force shall jointly submit to the congressional defense committees a report on the plan of the Secretaries to implement this section.

“SEC. 130. BLOCK BUY CONTRACTS FOR CH-53K HEAVY LIFT HELICOPTER PROGRAM.

“(a) BLOCK BUY AUTHORITY.—During fiscal years 2023 and 2024, the Secretary of the Navy may enter into one or more block buy contracts for the procurement of CH-53K heavy lift helicopter program (in this section referred to as the ‘‘program’’).

“(b) LIABILITY.—Any contract entered into under subsection (a) shall be—

“(1) obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose; and

“(2) the total liability of the Federal Government for termination of the contract shall be limited to the total amount of funding obligated to the contract at the time of termination.

“(c) CERTIFICATION REQUIRED.—A contract may not be entered into under subsection (a) unless the Secretary of Defense certifies to the congressional defense committees in writing, not later than 30 days before entry into the contract, each of the following:

“(1) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the Secretary shall include a written explanation of—

“(A) the estimated obligations and expenditures by fiscal year for the program without the authority provided in subsection (a); and

“(B) the estimated obligations and expenditures by fiscal year for the program with the authority provided in subsection (a); and

“(2) The discrete actions that will accomplish such cost savings or avoidance; and

“(3) any funds authorized by subsection (a) are reasonable.

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

“(5) The estimates of both the cost of the contract and the anticipated cost avoidance through the use of a contract authorized under subsection (a) are reasonable.

“(6) The use of such a contract will reduce the total aircraft inventory for such aircraft below 26.

“(7) The contract will be a fixed price type contract.

“Subtitle D—Air Force Programs

“SEC. 141. PROHIBITION ON certain REDUCITIONS TO INVENTORY OF E-3 AIRBORNE WARNING AND CONTROL SYSTEM AIRCRAFT.

“(a) PROHIBITION.—Except as provided in subsections (b) and (c), none of the funds authorized to be appropriated by this Act for fiscal year 2023 for the Air Force may be obligated to retire, prepare to retire, or place in storage or in backup aircraft inventory any E-3 aircraft if such actions would reduce the total aircraft inventory for such aircraft below 2.

“(b) EXCEPTION FOR ACQUISITION STRATEGY.—If the Secretary of the Air Force submits to the congressional defense committees an acquisition strategy for the E-7 Wedgetail approved by the Service Acquisition Executive of the Air Force, the prohibition under subsection (a) shall not apply to actions taken to reduce the total aircraft inventory for E-3 aircraft to 2 before the date on which the strategy is submitted to Congress under section 221 of title 10, United States Code, for such fiscal year will include the funding required to execute the program without cancellation.

“(c) EXCEPTION FOR CONTRACT AWARD.—If the Secretary of the Air Force awards a contract for the E-7 Wedgetail aircraft, the prohibition under subsection (a) shall not apply to actions taken to reduce the total aircraft inventory for E-3 aircraft to 16 after the date on which such contract is awarded.

“SEC. 142. MODIFICATION OF INVENTORY REQUIREMENTS FOR AIR REFUELING TANKER AIRCRAFT.

“(a) MODIFICATION OF GENERAL REQUIREMENT.—Section 130(a)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 4391) is amended by striking ‘‘412’’ and inserting ‘‘400’’.

“(b) MODIFICATION OF LIMITATION ON RETIREMENT INVENTORY.—Subsection (C)(3) of section 321 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 4391) is amended by striking ‘‘412’’ and inserting ‘‘31’’.

“SEC. 143. PROHIBITION ON REDUCTIONS TO INVENTORY OF F-22 BLOCK 20 AIRCRAFT.

“(a) PROHIBITION.—Except as provided in subsection (b), none of the funds authorized
to be appropriated by this Act for fiscal year 2023 for the Air Force may be obligated to retire, prepare to retire, or place in storage or in backup aircraft inventory any F–22 Block 20 aircraft.

(b) Expiration of Prohibition.—The prohibition under subsection (a) shall cease to have effect—

(1) if the date is the date on which the Secretary of the Air Force submits to the congressional defense committees—

(A) a detailed plan approved by the Secretary, and complete training for F–22 aircrews to ensure that the combat capability at operational units would not be degraded if the Air Force were to retire all F–22 Block 20 aircraft; and

(B) a report on how the Secretary intends to avoid—

(A) diminishing the combat effectiveness of remaining F–22 aircraft;

(B) exacerbating F–22 aircraft availability concerns; and

(C) complicating F–22 aircraft squadron maintenance issues.

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

SEC. 151. Parts for Commercial Derivative Aircraft and Engines and Aircraft Based on Commercial Design.

(a) In General.—The Secretary of the Air Force and the Secretary of the Navy shall—

(1) include covered parts in supply chain solutions to provide for replacement or increased inventories for—

(A) all commercial derivative aircraft and engines of the Department of Defense; and

(B) all aircraft of the Department that are based on commercial design; and

(2) conduct the acquisition of all follow-on covered parts on a competitive basis, based on price and all other relevant acquisition criteria.

(b) Covered Parts Defined.—In this section, the term ‘‘covered parts’’—

(1) means used, overhauled, reconditioned, or re-manufactured common or dual use parts certified as airworthy by the Federal Aviation Administration; and

(2) does not include life limited parts.

SEC. 152. Assessment and Strategy for Fielding Counter Unmanned Aerial Systems Swarm Capabilities.

(a) Assessment, Analysis, and Review.—The Secretary of Defense shall conduct—

(1) an assessment of the threats posed by unmanned aerial system (UAS) swarms or unmanned aerial systems with indicative swarm capabilities to installations and deployed armed forces;

(2) an analysis of the use or potential use of unmanned aerial system swarms by adversaries, including China, Russia, Iran, North Korea, and non-state actors;

(3) a tool to address the implication of swarm-based technologies such as autonomous intelligence and machine learning;

(4) a review of current fielded systems and whether the Department is capable of fielding systems to counter threats posed by unmanned aerial system swarms; and

(5) a summary of development efforts and field tests of technologies that offer scalable, modular, and rapidly deployable systems that could counter unmanned aerial system swarm threats.

(b) Strategy Development and Implementation Required.—

(1) In General.—The Secretary shall develop a strategy to counter unmanned aerial system swarms, and shall submit to the congressional defense committees a report on how the Secretary intends to avoid—

(A) diminishing the combat effectiveness of remaining F–22 aircraft;

(B) exacerbating F–22 aircraft availability concerns; and

(C) complicating F–22 aircraft squadron maintenance issues.

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(1) The results of a comparative analysis and independent cost assessment, conducted by the Comptroller General, of options to modernize propulsion systems of the F-35 aircraft engine.

(A) modernizing the existing F135 engine; and

(B) the development and insertion of the Adaptive Engine Transition Program engine.

(2) The costs of the alternatives associated with development, production, retrofit, integration, and installation, including air vehicle modifications and sustainment infrastructure requirements of the Adaptive Engine Transition Program engine for the F-35A aircraft.

(3) An assessment of progress made by prototype aircraft in the Adaptive Engine Transition Program effort.

(4) The timeline associated with modernizing the F135 engine to meet Block 4 upgrade requirements for the F-35A aircraft.

(5) The costs associated with modernizing the F135 engine to meet Block 4 upgrade requirements.

(6) An assessment of the potential impact of the modernization alternatives described in this subsection on life cycle sustainment and sustainment infrastructure, including the impact on international partners.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2023 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. DISCLOSURE REQUIREMENTS FOR RECIPIENTS OF RESEARCH AND DEVELOPMENT FUNDS.

(a) In General.—Chapter 301 of title 10, United States Code, is amended by inserting after section 3026 the following new section:

"§ 4027. Disclosure requirements for recipients of research and development funds

"(a) In General.—Except as provided in subsections (b) and (c), an individual or entity (including a State or local government) that uses funds received from the Department of Defense to carry out research or development shall include, in any public document pertaining to such activities, a clear statement indicating the dollar amount of the funds received from the Department of Defense.

"(b) EXCEPTION.—The disclosure requirement under subsection (a) shall not apply to a public document consisting of fewer than 260 characters.

"(c) WAIVER.—The Secretary of Defense may waive the disclosure requirement under subsection (a) if—

"(1) The results of a comparative analysis and independent cost assessment, conducted by the Comptroller General, of options to modernize propulsion systems of the F-35 aircraft engine—

"(A) including all options) only if a covered official determines—

"(i) the results of a comparative analysis and independent cost assessment, conducted by the Comptroller General, of options to modernize propulsion systems of the F-35 aircraft engine—

"(II) the use of the authority of this section is essential to meet critical national security objectives; and

"(3) The timeline associated with life cycle sustainment requirements.

"(b) CONFORMING REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall review the Department of Defense Supplement to the Federal Acquisition Regulations to conform with section 2350a of title 10, United States Code, as amended by subsection (a).

SEC. 213. ADMINISTRATION OF THE ADVANCED SENSORS PROGRAM.

(a) RESOURCE SPONSOR.—

"(1) In general.—The Secretary of Defense shall, in conjunction with the Office of the Director of Intelligence and Foreign Intelligence (OPNAV N89), serve as the resource sponsor for the Advanced Sensors Applications Program (known as 'ASA') and in this section referred to as the Program;

"(2) Responsibilities.—The resource sponsor of the Program shall be responsible for the following:

"(A) Developing budget requests relating to the Program;

"(B) Establishing priorities for the Program;

"(C) Approving the execution of funding and projects for the Program;

"(D) Coordination and joint planning with external stakeholders in matters relating to the Program;

"(E) REVIEW.—No other entity in the Department of the Navy may—

"(i) serve as a resource sponsor for the Program;

"(f) STRATEGIC RELATIONSHIP.—The program manager for the Program shall—

"(A) resource sponsor (as defined in section 3020 of title 10, United States Code, as amended by section 4027 of title 10, United States Code, is amended by inserting after the item relating to the term 'resource sponsor' the following:

"(B) by inserting before paragraph (2), as redesignated by subparagraph (A), the following new paragraph:

"(I) The term 'covered official' means—

"(1) a service acquisition executive;

"(2) the Director of the Missile Defense Agency;

"(3) the Undersecretary of Defense for Acquisition and Sustainment; or

"(E) the Undersecretary of Defense for Research and Engineering;

"(ii) the use of the authority of this section is essential to meet critical national security objectives; and

"(ii) the Director of the Defense Advanced Research Projects Agency;

"(2) the Director of the Naval Air Systems Command and other higher headquarters.

(e) STRATEGIC RELATIONSHIP.—The program manager for the Program shall provide the Secretary of Defense with a biennial report on the program manager's responsibilities described in this subsection for the fiscal years 2021 through 2023.

SEC. 214. MODIFICATION OF AUTHORITY OF THE DEPARTMENT OF DEFENSE TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 4202 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ‘‘and’’ and inserting ‘‘; and’’;

(B) by inserting after paragraph (2), as so redesignated, the following new paragraph:

"(III) notify the congressional defense committees in writing of the findings required under clause (1) at the time such authorizations are exercised.’’; and

"(2) in subsection (e)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (4), respectively;

(B) by inserting before paragraph (2), as redesignated by subparagraph (A), the following new paragraph:

"(I) The term ‘covered official’ means—

"(1) a service acquisition executive;

"(2) the Director of the Defense Advanced Research Projects Agency;

"(C) the Director of the Missile Defense Agency;

"(D) the Undersecretary of Defense for Acquisition and Sustainment; or

"(E) the Undersecretary of Defense for Research and Engineering; and

"(iii) to modify existing military equipment to meet United States military requirements.’’;

(b) EXCEPTION.—The disclosure requirement under subsection (a) shall not apply to—

"(d) PUBLIC DOCUMENT DEFINED.—In this section, the term ‘public document’ means any document or other written statement made available—

"(I) the requirements of subsection (d) will be met;

"(II) to carry out a joint research and development program—

"(i) to develop new conventional defense equipment and munitions; or

"(ii) to modify existing military equipment to meet United States military requirements.’’;

"(i) the United States and—

"(A) involving joint participation by—

"(I) the United States and—

"(1) The term ‘cooperative research and development program—

"(2) provide direction and management for the Program;

"(2) provide direction and management for the Program;

"(C) in subparagraph (b), by striking '; and’’ and inserting a semicolon;

"(ii) the United States and—

"(A) involving joint participation by—

"(I) the United States and—

"(1) The term ‘cooperative research and development program—

"(2) provide direction and management for the Program;

"(1) The term ‘cooperative research and development program—

"(2) provide direction and management for the Program;

"(C) in subparagraph (b), by striking '; and’’ and inserting a semicolon;

"(ii) the United States and—

"(A) involving joint participation by—

"(1) The term ‘cooperative research and development program—

"(2) provide direction and management for the Program; or

"(2) to pursue the use of other assets that may further the mission of the Program.

SEC. 215. COMPETITIVELY AWARDED DEMONSTRATIONS AND TESTS OF ELECTROMAGNETIC WARFARE TECHNOLOGY.

(a) DEMONSTRATIONS AND TESTS REQUIRED.—At least 270 days after the date of the enactment of this Act, the Director of the Air Force Rapid Capabilities Office (RCA) shall conduct competitively awarded demonstrations and tests of commercial electronics technology to determine whether technology currently exists that could enable the following electromagnetic warfare capabilities:

"(1) the operation of multiple emitters and receivers in the same frequency at the same
time and in the same location without mutual interference and without using adaptive beam forming or nulling. (2) Protecting the reception of Global Positioning System signals from other vulnerable jammer signals from multiple high-power jammers at a level that is significantly better than the protection afforded by Common Carriers and antennas.

(4) Capabilities similar to paragraphs (1) through (3) in a live, virtual constructive simulation environment. (5) Other capabilities that might satisfy or support needs set forth in the Electromagnetic Spectrum Superiority Strategy Implementation Plan.

(b) OVERSIGHT OF TESTS.—The Director of Operational Test and Evaluation shall—

(1) provide oversight of the demonstrations and tests required by subsection (a); (2) review other applicable government or commercial demonstrations and tests; and (3) not later than 30 days after the completion of each demonstration and test under subsection (a), independently advise the Chief Information Officer (CIO) of the Department of Defense, the Under Secretary of Defense for Research and Engineering (R&E), and the Under Secretary of Defense for Acquisition and Sustainment (USD A&S) of the outcomes of the demonstrations and tests.

(c) OUTCOME-BASED ACTIONS REQUIRED.—If the Director of Operational Test and Evaluation and the Director of the Air Force Rapid Capabilities Office certify that the demonstrations and tests under subsection (a) confirm that current technology can enable the capabilities described in paragraphs (1) through (3) of such subsection—

(1) not later than 45 days after the conclusion of the tests under subsection (a), the Director of the Air Force Rapid Capabilities Office and the Director of Operational Test and Evaluation shall brief the congressional defense committees on the outcomes of the tests;

(2) the Director of the Air Force Rapid Capabilities Office may commit additional funds to begin engineering form, fit, and function development and integration for specifications of Defense platforms and applications; and

(3) not later than 90 days after the conclusion of the tests under subsection (a), the Director of the Air Force Rapid Capabilities Office, the Chief Information Officer, the Under Secretary of Defense for Research and Engineering, and the Under Secretary of Defense for Acquisition and Sustainment shall brief the congressional defense committees on a plan to further develop and deploy the demonstrated and tested technologies to support the Electromagnetic Spectrum Superiority Strategy Implementation Plan.

SEC. 216. GOVERNMENT-INDUSTRY WORKING GROUP ON MICROELECTRONICS.

(a) ESTABLISHMENT.—(1) In general.—The Secretary of Defense shall establish a working group for industry, academia, and Department of Defense components to coordinate on microelectronics issues of mutual interest as specified in subsection (b).

(2) Composition.—The working group established under paragraph (1) shall be composed of representatives of industry, academia, and Department of Defense components.

(3) Designation.—The working group established under paragraph (1) shall be referred to as the “Government-Industry Working Group on Microelectronics” (in this section referred to as the “Working Group”).

(b) SCOPE.—The Secretary shall ensure that the Working Group supports dialogue and coordination on the following topics relating to microelectronics:

(1) Future research needs.

(2) Infrastructure issues and shortfalls.

(3) Technical standards and algorithms.

(4) Training and certification needs for the workforce.

(5) Supply chain issues.

(6) Supply chain, manufacturing, and packaging security.

(c) ADMINISTRATIVE SUPPORT FRAMEWORK.

(1) CHARTER AND POLICIES.—Not later than March 1, 2023, the Secretary of Defense shall develop a charter and issue policies for the functioning of the Working Group.

(2) SUPPORT.—The joint federation of capabilities established under section 937 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 2224 note) shall provide administrative support to the Working Group.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall preclude the Secretary of the Air Force from carrying out a competitive advantage to any participant in the Working Group.

(e) SINES.—The provisions of this section shall terminate on December 31, 2030.

SEC. 217. INCLUSION OF OFFICE OF UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING (R&E) IN PERSONNEL MANAGEMENT AUTHORITY TO ATTRACT EXPERTS IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH.

Section 4092 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

“(10) OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.—Within 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish the Office of the Under Secretary of Defense for Research and Engineering and may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of and development of experts in science or engineering for the Office.”; and

(2) in subsection (b)—

(A) in subparagraph (H), by striking “;” and inserting a semicolon;

(B) in subparagraph (I), by striking the semicolon and insertions “;” and “;”;

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

“(J) in the case of the Office of the Under Secretary of Defense for Research and Engineering, appoint scientists and engineers to a total of not more than 50 personnel, and direct the appointment to and the positions held by the scientists and engineers.”.

SEC. 218. INVESTMENT PLAN FOR FOUNDATIONAL CAPABILITIES NEEDED TO DEVELOP NOVEL PROCESSING APPROACHES FOR FUTURE DEFENSE APPLICATIONS.

(a) INVESTMENT PLANS REQUIRED.—Not later than November 1, 2023, and not less frequently than once every three years thereafter until December 31, 2035, the Secretary of Defense shall conduct a strategic assessment of the joint national defense investment plan required by subsection (a) that includes a total of not more than 50 personnel, and direct the appointment to and the positions held by the scientists and engineers.

(b) PURPOSE.—The purpose of the investment plan required by subsection (a) is to establish a unified approach to the identification, prioritization, development, and leveraging of Department of Defense investments from the research, development, test, and evaluation budgets of the Department.

(c) ELEMENTS.—The investment plan required by subsection (a) shall—

(1) identify current and projected investment needs in science, technology, engineering, and development to support fielding and use of novel processing approaches; (2) identify current and projected investments supporting the acceleration of novel processing approaches, including investments in—

(A) personnel and workforce capabilities; (B) facilities and infrastructure to host systems utilizing novel processing approaches; (C) algorithm developments necessary to expand the functionality from each novel processing approach; (D) other Federal agencies and federally sponsored laboratories; and (E) appropriate international and commercial sector organizations and activities; (3) describe mechanisms to coordinate and leverage investments within the Department and with non-Federal partners; (4) describe the technical goals to be achieved and capabilities to be developed under the strategy; and (5) include recommendations for such legislative or administration action as may support the effective execution of the investment plan.

(d) FORM.—Each plan submitted under subsection (a) shall be submitted in such form as the Secretary considers appropriate, which may include classified, unclassified, and publicly releasable formats.

(e) NOVEMBER PROCESSING APPROACHES DEFINED.—In this section, the term “novel processing approaches” means—

(1) new, emerging techniques in computation, such as biocomputing, exascale computing, utility scale quantum computing; and

(2) associated algorithm and hardware development needed to instantiate such techniques.

SEC. 219. OPEN RADIO ACCESS NETWORK 5G ACQUISITION, ACCELERATION AND TRANSITION PLAN.

(a) THREE-YEAR TRANSITION PLAN REQUIRED.

(b) PURPOSE.—Not later than 120 days after the date of the enactment of this Act, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, the Associate Secretary of the Navy for Research, Development, and Acquisition, and the Assistant Secretary of the Air Force for Acquisition, Logistics, and Technology shall submit to the congressional defense committees an unclassified three-year transition plan for fifth generation information and communications technology (5G) infrastructure for their respective military departments.

(c) ELEMENTS.—The transition plans identified under paragraph (1) shall include—

(A) an operational needs assessment that identifies the highest priority areas where fifth generation information and communication technologies are identified as needed; (B) an investment plan that includes funding estimates, by fiscal year and appropriation account, to accelerate the maturation, acquisition, and deployment of fifth generation information and communications capabilities that use the open radio access network approach on Department of Defense facilities and assets, and (C) metrics and reporting mechanisms to drive progress towards the three-year transition goal; (D) a certification and designation of a single point of contact at each installation, and within each of the services to facilitate the deployment of fifth generation information and communications technologies, and (E) planned efforts to streamline the real estate, contracting, and communications
policies and processes to field wireless infrastructure that has resulted in a lengthy approval processes for industry to provide on-air wireless coverage on an installation;
(P) other areas of concern that require investment to support the transition to fifth generation information and communications technology that uses the open radio access approach;
(G) such other matters as the Secretary of Defense considers appropriate.
(b) CROSS-FUNCTIONAL TEAM ASSESSMENT.—
(1) BRIEFING REQUIRED.—Not later than 150 days after the date of the enactment of this Act and after all of the plans required by subsection (a)(1) have been submitted, the Secretary of Defense shall brief the congressional defense committees, including—
(A) a listing of such innovation ecosystems identified or established by the Department—
(B) metrics for measuring the performance of such innovation ecosystems described in paragraph (a)(1), in the form of grants to, or contracts or other agreements with, battery producers, particularly those producing lithium-ion cells and battery packs;
(c) USE OF GRANT AND CONTRACT AMOUNTS.—A recipient of a grant, contract, or other agreement under the Project may use the amounts provided under such grant, contract, or other agreement to carry out the following:
(1) Conducting research and development to validate new or novel battery chemistry configurations; and
(2) Safety and performance testing, including—
(a) constructing, analyzing, and retaining Project data;
(b) developing and sharing best practices for achieving the objectives of the Project; and
(c) identifying any policy or regulatory impediments inhibiting the execution of the program; and
(d) sharing results from the program across the Department, and with elements of the Federal Government, including the legislative branch of the Federal Government.
(d) ADMINISTRATION.—The Under Secretary of Defense for Research and Engineering shall administer the Project.
(e) TERMINATION.—The Project shall terminate on December 31, 2028.

Subtitle C—Plans, Reports, and Other
SEC. 231. REPORT ON RECOMMENDATIONS FROM
ARMY FUTURES COMMAND RESEARCH
PROGRAM REALIGNMENT STUDY.
(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the recommendations made by the National Academies in the Army Futures Command Research Program Realignment Study.
(b) CONTENTS.—The report submitted under subsection (a) shall include the following:
(1) A description of each recommendation described in such subsection that has already been implemented;
(2) A description of each recommendation described in such subsection that the Secretary has commenced implementing, including a justification for determining to implement or commence implementing the recommendation;
(3) A description of each recommendation described in such subsection that the Secretary has not implemented or commenced implementing and a determination as to whether or not to implement the recommendation;
(4) For each recommendation under paragraph (3) the Secretary determines to implement, the following:
(A) A timeline for implementation.
(B) A description of any additional resources or authorities required for implementation.
(C) A plan for implementation.
(5) For each recommendation under paragraph (3) the Secretary determines not to implement, a justification for the determination.
(c) FORMAT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 232. STRATEGY AND IMPLEMENTATION PLAN.
(a) STRATEGY AND IMPLEMENTATION PLAN REQUIRED.—Not later than March 1, 2023, the Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall develop a strategy and an implementation plan for the departmental innovation ecosystem.
(b) PURPOSE.—
(1) STRATEGY.—The purpose of the strategy required by subsection (a) is to provide a framework for identifying, assessing, and tracking innovation ecosystems that are beneficial to advancing the defense, national security, and warfighting missions of the Department of Defense.
(2) IMPLEMENTATION PLAN.—The purpose of the implementation plan required by subsection (a) is to provide—
(A) concrete steps and measures of effectiveness to gauge the effect of the innovation ecosystems described in paragraph (1) on the Department; and
(B) means for assessing the effectiveness of approaches taken by the Department to grow, foster, and sustain such innovation ecosystems.
(c) ELEMENTS.—The strategy and the implementation plan required by subsection (a) shall include the following elements:
(1) A process for defining, assessing, and selecting innovation ecosystems with potential to provide benefit to the Department;
(2) Metrics for measuring the performance and health of innovation ecosystems being pursued by the Department, including identification of criteria to determine when to establish or cease supporting identified ecosystems.
(3) Identification of Department of Defense research, development, test, and evaluation assets and authorities that can be engaged in identifying, assessing, developing, sustaining, and expanding innovation ecosystems;
(4) For each innovation ecosystem designated or established by the Department—
(A) a listing of such ecosystems with a description of core competencies or focus areas; and
(B) an identification of departmental research, development, testing, and evaluation organizations engaged with such innovation ecosystems;
Section 233. MODIFICATION OF DIRECTOR FOR OPERATIONAL TEST AND EVALUATION

Section 139(h)(3) of title 10, United States Code, is amended by inserting "or controlled unclassified" after "classified".

Section 234. EXTENSION OF REQUIREMENT FOR QUARTERLY BRIEFINGS ON DEVELOPMENT AND IMPLEMENTATION OF STRATEGIES FOR THE FIELDING OF PHYSICIAL INFORMATION AND COMMUNICATIONS TECHNOLOGIES

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a briefing on the strategy and implementation plan developed under subsection (a).

Section 254(d)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 4571 note) is amended by inserting "classified" after "unclassified".

Section 4126 of title 10, United States Code, relating to acquisition workforce education partnerships, is amended by adding at the end the following:

"(1) "Department of Defense science and technology reinvention laboratories designated under section 4211 of title 10, United States Code.

"(2) The Major Range and Test Facility Base (as defined in section 4173(i) of such title).

The Department of Defense sponsored manufacturing innovation institutes.

(D) The organic industrial base.

(E) Department of Defense agencies and field activities that execute research, development, test, and evaluation funded activities.

SEC. 235. REPORT ON ESTIMATED COSTS OF CONDUCTING A MINIMUM FREQUENCY OF HYPERSONIC WEAPONS TESTING

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on estimated costs for conducting not fewer than one full-scale operational, live-fire, hypersonic weapon test of the systems currently under development each year by each of the Air Force, the Army, and the Navy. The report shall include such information as the Secretary of Defense determines to be necessary, including the number of targets, number of firing runs, number of rounds per firing run, number of weapons systems, and number of launches.

SEC. 256. ANNUAL REPORT ON STUDIES AND REPORTS BEING UNDERTAKEN BY THE DEPARTMENT OF DEFENSE

Section 4262 of such title, relating to procurement for experimental purposes.

Section 4832 of such title, relating to the encouragement of technology transfer at the Department of Defense.

Section 1252 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239), relating to regional advanced technology centers.

Section 801(e) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 4832 note), relating to enhanced transfer of technology development at Department of Defense laboratories.

Section 879 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), relating to defense pilot program for authority to acquire innovative commercial products, technologies, and services using general solicitation competitive processes.

Section 217 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 4001 note), relating to mechanisms to access to technical talent and expertise at academic institutions to support Department of Defense missions.
(B) expand the use of unprogrammed custom-designed integrated circuits that are not controlled by such regulations.

(2) BRIEFING.—Not later than April 1, 2023, the Secretary shall provide the congressional defense committees a briefing on the findings of the Secretary with respect to the assessment conducted under paragraph (1).

SEC. 238. CLARIFICATION OF ROLE OF CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICER.

(a) PERSONNEL MANAGEMENT AUTHORITY TO ARTIFICIAL INTELLIGENCE OFFICER IN SCIENCE AND ENGINEERING.—Section 4092 of title 10, United States Code, is amended—

(1) in subsection (a)(6)—

(A) by striking ‘‘Director of the Joint Artificial Intelligence Center’’ and inserting ‘‘official designated under section 238(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 4061 note prec.)’’;

(B) by striking ‘‘for the Center’’ and inserting ‘‘to support the activities of such official under section 238 of such Act’’;

(C) in the paragraph heading, by striking ‘‘CENTER’’;

(2) in subsection (b)(1)(F)—

(A) by striking ‘‘Joint Artificial Intelligence Center’’ and inserting ‘‘official designated under section 238(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 4061 note prec.)’’;

(B) by striking ‘‘in the Center’’ and inserting ‘‘in support of the activities of such official under section 238 of such Act’’;

(3) in subsection (c)(2), by striking ‘‘Joint Artificial Intelligence Center’’ and inserting ‘‘the activities under section 238 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 4061 note prec.)’’;


(1) by amending subsection (c) to read as follows:

‘‘(c) ORGANIZATION AND ROLES.—

‘‘(1) In addition to designating an official under subsection (b), the Secretary of Defense shall assign to appropriate officials within the Department of Defense responsibilities relating to the research, development, prototyping, testing, procurement, of requirements for, and operational use of artificial intelligence technology, including—

‘‘(I) functions relating to the Department of Defense; and

‘‘(2) APPROPRIATE OFFICIALS.—The officials assigned roles and responsibilities under paragraph (1) shall include—

‘‘(A) the Under Secretary of Defense for Research and Engineering;

‘‘(B) the Under Secretary of Defense for Acquisition and Sustainment;

‘‘(C) one or more officials in each military department;

‘‘(D) officials of appropriate Defense Agencies; and

‘‘(E) such other officials as the Secretary of Defense determines appropriate.’’;

(2) in subsection (e), by striking ‘‘Director of the Joint Artificial Intelligence Center’’ and inserting ‘‘official designated under subsection (b);’’ and

(3) by striking subsection (h).

(c) BIANNUAL REPORT ON ACTIVITIES OF THE CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICE.—

(1) IN GENERAL.—Section 260 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 16602) is amended—

(A) in the section heading, by striking ‘‘JOINT ARTIFICIAL INTELLIGENCE CENTER’’ and inserting ‘‘ACTIVITIES OF THE CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICE’’;

(B) in subsection (a)—

(i) by striking ‘‘2023’’ and inserting ‘‘2025’’; and

(ii) by striking ‘‘Joint Artificial Intelligence Center (referred to in this section as the ‘Center’);’’ and inserting ‘‘Chief Digital and Artificial Intelligence Office (referred to in this section as the ‘Office’);’’;

(C) in subsection (b)—

(i) in paragraph (1), by striking ‘‘Center’’ and inserting ‘‘Office’’;

(ii) in paragraph (2), by striking ‘‘National Mission Initiatives, Component Mission Initiatives, and any other initiatives of the Center;’’ and inserting ‘‘initiatives of the Office;’’;

(iii) in paragraphs (3) through (6), by striking ‘‘Center’’ each place it appears and inserting ‘‘Office’’;

(iv) in paragraph (7), by striking ‘‘Center and the Center’s investments in the National Mission Initiatives and Component Mission Initiatives’’ and inserting ‘‘Office and the Office’s investments’’;

(v) in paragraph (8), by striking ‘‘Chief Information Officer’’ and inserting ‘‘Chief Digital and Artificial Intelligence Office’’; and

(iv) in paragraph (10), by striking ‘‘Center’’ and inserting ‘‘Office’’; and

(D) by striking subsection (c).

(2) CHIEF DATA OFFICER RESPONSIBILITY FOR DEPARTMENT OF DEFENSE DATA SETS.—Section 2911 of title 10, United States Code, is amended by adding at the end the following new subsection:

‘‘(g) PILOT PROGRAM ON THE USE OF ELECTRONIC PORTFOLIOS TO EVALUATE CERTAIN APPLICANTS FOR TECHNICAL POSITIONS.—Section 241(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 1380 note prec.) is amended—

(1) by striking paragraphs (1) and (2); and

(2) by inserting before paragraph (3) the following new paragraph (1):—

‘‘(1) The Chief Digital and Artificial Intelligence Office;’’;

and

(3) by repealing paragraphs (3) and (4) and paragraphs (2) and (3), respectively.

(b) REFERENCES TO JOINT ARTIFICIAL INTELLIGENCE CENTER LAW.—Any reference in any law, regulation, guidance, instruction, or other document of the Federal Government to the Director of the Joint Artificial Intelligence Center of the Department of Defense or to the Joint Artificial Intelligence Center shall be deemed to refer to the official designated under section 238(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 4061 note prec.) or the office of such official, as the case may be.

TITLIE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2023 for the use of the Armed Forces and other agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the table of funds in section 3001.

Subtitle B—Energy and Environment

SEC. 311. AGGREGATION OF ENERGY CONSERVATION MEASURES AND FUNDING.

Section 2011 of title 10, United States Code, is amended by adding at the end the following new subsection:

‘‘(j) AGGREGATE ENERGY CONSERVATION MEASURES AND FUNDING.—(1) TO THE maximum extent practicable, the Secretary concerned shall take a holistic view of the energy project opportunities on installations under the jurisdiction of such Secretary and shall aggregate energy conservation measures, including energy conservation measures with quick payback, with energy resilience enhancement projects and other projects that may have a longer payback period.

(2) In considering aggregate energy conservation measures under paragraph (1), the Secretary concerned shall incorporate all funding available to such Secretary for such measures, including—

(A) appropriated funds, such as—

(i) funds appropriated for the Energy Resilience and Conservation Investment Program of the Department; and

(ii) funds appropriated for the Facilities Sustainment, Restoration, and Modernization program of the Department; and

(B) funding available under performance contracts, such as performance contracts and utility energy service contracts.’’.

SEC. 312. ESTABLISHMENT OF JOINT WORKING GROUP TO DETERMINE JOINT REQUIREMENTS FOR FUTURE OPERATIONAL ENERGY NEEDS OF DEPARTMENT.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a joint working group.
(in this section referred to as the ‘‘working group’’) to determine joint requirements for future operational energy needs of the Department of Defense.

(b) Secretary’s Report.—The Secretary of the Air Force shall serve as the executive agent of the working group.

(c) Requirements Group.—

(1) IN GENERAL.—In determining joint requirements under subsection (a), the working group shall address the operational energy needs of each military department and combatant command to meet energy needs in all domains of warfare, including land, air, sea, cyberspace, subsurface, and subterranean environments.

(2) PRIORITY FOR CERTAIN SYSTEMS.—Priority for joint requirements under subsection (a) shall be given to independent energy programs of the Department and make payments to a pollutant banking program approved in accordance with the Water Quality Trading Policy dated January 13, 2003, set forth by the Office of Water of the Environmental Protection Agency, any successor administrative guidance or regulation.

(b) TREATMENT OF PAYMENTS.—Payments made under subsection (a) to a pollutant banking program or water quality trading program may be treated as eligible project costs for military construction.

(c) DEFINITIONS.—In this section, the term ‘‘discharge of pollutants’’ means the term given that term in section 502(12) of the Federal Water Pollution Control Act (33 U.S.C. 1362(12)) (commonly referred to as the ‘‘Clean Water Act’’).

(2) Micro-reactor.—The term ‘‘micro-reactor’’ means an advanced nuclear reactor—

(A) with a rated capacity of less than 300 electrical megawatts; or

(B) that can be constructed and operated in combination with similar reactors at a single site.

(c) REQUIREMENTS.—The Secretary shall submit to the congressional defense committees a classified and classified report and provide to the congressional defense committees an unclassified and explanatory briefing, as the case may be, in the context of the report and briefing.

(d) Existing or New Programs.—The Secretary shall submit the working group’s recommendations for new programs to meet such requirements.

(e) Water Quality Trading.—In carrying out the requirements under this section, the working group shall focus its efforts on operational energy needs, to include—

(1) micro-reactors and small modular reactors;

(2) hydrogen-based fuel systems, including hydrogen fuel cells and hydrogen-based combustion engines;

(3) battery storage;

(4) renewable energy sources;

(5) autonomous platforms that will increase efficiencies; and

(6) other technologies and resources that meet joint requirements determined under subsection (a).

(f) Recommended Plan of Action.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees an unclassified and classified report and provide to the congressional defense committees an unclassified and explanatory briefing, as the case may be, in the context of the report and briefing.

(g) Definitions.—In this section:

(A) micro-reactor means an advanced nuclear reactor—

(1) with a rated capacity of less than 300 electrical megawatts; or

(2) that can be constructed and operated in combination with similar reactors at a single site.

SEC. 313. ADDITIONAL SPECIAL CONSIDERATIONS FOR DEVELOPING AND IMPELLING PERFORMANCE GOALS AND ENERGY PERFORMANCE MASTER PLAN OF THE DEPARTMENT OF DEFENSE.

(a) In General.—Section 2911(e) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

(1) The term ‘‘energy security of energy resources in the event of a military conflict.’’

(2) ‘‘The value of resourcing energy from allies of the United States in the North Atlantic Treaty Organization and other major allies of the United States.’’

(b) Participation in Pollutant Banks and Water Quality Trading.—

(1) Authority to Participate.—The Secretary of a military department, and the Secretary of Defense with respect to matters under the jurisdiction of the Department of Defense or the Secretary of a military department, may—

(i) the readiness levels of the Armed Forces; and

(ii) the flexibility of operational elements;

and

(iii) the readiness levels of the Armed Forces; and

(iv) that can be constructed and operated in combination with similar reactors at a single site.

(b) In General.—The Secretary of Defense may close the Red Hill bulk fuel storage facility of the Department of Defense in Hawaii (in this section referred to as the ‘‘Facility’’).

(2) Plan for Closure and Post-Closure Care.—

(a) General.—The Secretary shall submit to the Committee on Armed Services of the Senate and the House of Representatives a plan for—

(1) closure of the Facility; and

(2) monitoring of the Facility following such closure; and

(b) In General.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the House of Representatives a plan for—

(1) closure of the Facility; and

(2) maintenance of the Facility following such closure; and

(3) optimal post-closure care for the Facility, specifically addressing—

(i) monitoring and maintenance of liners; and

(ii) final covers;

and

(iii) leachate collection and removal systems;

(4) leak detection system; and

(b) In General.—The Secretary shall submit to the Committee on Armed Services of the Senate and the House of Representatives a plan for—

(1) the Administrator of the Environmental Protection Agency;

(2) the head of the Hawaii Department of Health; and

(3) the head of such other relevant Federal and State agencies as the Secretary considers appropriate.

(c) Authorization of Point of Contact at Department of Defense.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall identify a single point of contact within the Office of the Secretary of Defense for the purpose of communicating with the public and members of Congress regarding the status of the Facility at each phase of defueling, cleanup, closure, and remediation.

(d) Water Monitoring Program.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall establish a water monitoring program—
(1) to monitor movement of the fuel plume in the aquifer surrounding the Facility;
(2) to monitor long-term impacts to such aquifer and local water bodies resulting from water contamination from the Facility; and
(3) to coordinate with the Agency for Toxic Substances and Disease Registry of the Department of Health and Human Services as the Agency conducts follow up to the previously conducted voluntary survey of individuals and entities impacted by water contamination from the Facility.

SEC. 317. REVIEW OF UNIFIED FACILITIES GUIDE SPECIFICATIONS AND UNIFIED FACILITIES CRITERIA TO INCLUDE DISTINCT SPECIFICATIONS FOR USE OF GAS INSULATED SWITCHGEAR AND CRITERIA AND SPECIFICATIONS ON MICROGRIDS AND MICROGRID CONVERTERS.

(a) GAS INSULATED SWITCHGEAR.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall modify the Unified Facilities Guide Specification to include a distinct specification for medium voltage gas insulated switchgear.
(b) MICROGRIDS.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall—
(1) modify the Unified Facilities Criteria to include microgrids; and
(2) modify the Unified Facilities Guide Specifications to include specifications for microgrids and microgrid controllers.

SEC. 318. TRANSFER OF CUSTOMERS FROM ELECTRICAL UTILITY SYSTEM OF THE NAVY AT FORMER NAVAL AIR STATION BARBER'S POINT, HAWAII, TO NEW ELECTRICAL SYSTEM IN KALAELOA, HAWAII.

(a) In General.—Subject to the availability of appropriations for such purpose, the Secretary of the Navy shall pay the reasonable costs to transfer all customers of the electrical system of the Navy located at former Naval Air Station Barber's Point, Hawaii, to the new electrical system in Kalaeleo, Hawaii, operated by Hawaii Electric.
(b) Cooperative Agreement or Other Instruction.—The Secretary of the Navy may enter into a cooperative agreement or other arrangements with a third party—
(1) to make amounts available to pay the reasonable costs of transfers described in subsection (a); and
(2) to reimburse the third party for the reasonable costs that it may incur to carry out paragraph (1).
(c) Facilitation of Transfer.—To facilitate the transfer of customers described in subsection (a), the Secretary of the Navy shall provide the following to the State of Hawaii:
(1) A load analysis and design necessary to complete such transfer.
(2) Such rights of way and easements as may be necessary to support the construction of replacement electrical infrastructure.
(d) Disposal of Navy Electrical System.—Subject to the availability of appropriations for such purpose, after all customers have been transferred as required under subsection (a), the Secretary of the Navy may dispose of the electrical system of the Navy located at former Naval Air Station Barber's Point, Hawaii.

SEC. 319. PILOT PROGRAM ON USE OF SUSTAINABLE AVIATION FUEL.

(a) Pilot Program Required.—
(1) In General.—The Secretary of Defense shall conduct a pilot program on the use of sustainable aviation fuel by the Department of Defense.
(2) Design of Program.—The pilot program shall be designed to—
(A) identify any logistical challenges with respect to the use of sustainable aviation fuel by the Department;
(B) promote understanding of the technical and practical characteristics of sustainable aviation fuel when used in a military setting; and
(C) engage nearby commercial airports to support the commercialization and development of the Department at which to carry out the pilot program.
(b) Selection of Facilities.—
(1) In General.—
(A) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall select not fewer than two diverse facilities of the Department at which to carry out the pilot program.
(B) Onsite Refinery.—Not fewer than one facility selected under subparagraph (A) shall be a facility with an onsite refinery that is located in proximity to not fewer than one major commercial airport that is also actively seeking to increase the use of sustainable aviation fuel.
(2) Notice to Congress.—Upon the selection of each facility under paragraph (1), the Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives notice of the selection, including an identification of the facility selected.
(c) Use of Sustainable Aviation Fuel.—
(1) Plans.—For each facility selected under subsection (b), not later than one year after the selection of the facility, the Secretary shall—
(A) develop a plan on how to implement, by September 30, 2028, a target of exclusively using air vehicle fuel that is blended to contain not less than 10 percent sustainable aviation fuel;
(B) submit the plan developed under subparagraph (A) to the Committees on Armed Services of the Senate and the House of Representatives;
(C) provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on such plan that includes, at a minimum—
(i) a description of any operational, infrastructure, or logistical requirements and recommendations for the blending and use of sustainable aviation fuel; and
(ii) a description of any stakeholder engagement in the development of the plan, including any consultations with nearby commercial airport owners or operators.
(2) Implementation of Plans.—For each facility selected under subsection (b), during the period beginning on a date that is not later than September 30, 2028, and for five years thereafter, the Secretary shall—
(i) if used, considerations of various blend ratios and their associated benefits;
(ii) efficiency and distance improvements of flights using sustainable aviation fuel;
(iii) weight savings on large transportation aircraft and other types of aircraft using blended fuel with higher concentrations of sustainable aviation fuel;
(iv) maintenance benefits of using sustainable aviation fuel, including engine longevity;
(v) the effect of the use of sustainable aviation fuel on emissions and air quality;
(vi) the effect of the use of sustainable aviation fuel on the environment and on surrounding communities, including environmental justice factors that are created by the blending and use of sustainable aviation fuel by the Department of Defense; and
(vii) benefits with respect to job creation in the sustainable aviation fuel production and supply chain.
(d) Criteria for Sustainable Aviation Fuel.—Sustainable aviation fuel used under the pilot program shall meet the following criteria:
(1) Such fuel shall be produced in the United States from domestic feedstock sources.
(2) Such fuel shall constitute drop-in fuel that meets all specifications and performance requirements of the Department of Defense and the Armed Forces.
(e) Waiver.—Upon request from the Secretary, the Secretary of the Navy may waive the use of sustainable aviation fuel at a facility under the pilot program if the Secretary—
(i) determines such use is not feasible due to a lack of availability of sustainable aviation fuel or a national security contingency; and
(2) submits to the congressional defense committees notice of such waiver and the reasons for such waiver.
(f) Final Report.—At the conclusion of the pilot program, the Assistant Secretary of Defense for Energy, Installations, and Environment shall submit to the Committees on Armed Services of the Senate and the House of Representatives a final report on the pilot program.
(g) Elements.—The report required by paragraph (1) shall include each of the following:
(A) An assessment of the effect of using sustainable aviation fuel on the overall fuel consumption of the Armed Forces.
(B) A description of any operational, infrastructure, or logistical requirements and recommendations for the blending and use of sustainable aviation fuel, with a focus on scaling up adoption of such fuel throughout the Armed Forces.
(C) Recommendations with respect to how military installations can leverage proximity to commercial airports and other jet fuel consumers to increase the rate of use of sustainable aviation fuel, for both military and commercial use.

SEC. 320. RENEWAL OF ANNUAL ENVIRONMENTAL AND ENERGY REPORTS OF DEPARTMENT OF DEFENSE.

(a) Environmental Report.—Section 2711 of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:
"(a) Report Required.—Not later than March 31 of each year, the Secretary of Defense shall submit to Congress a report on progress made by environmental programs of the Department of Defense during the preceding fiscal year.
(b) Lifecycle Fuel.—Each report under subsection (a) shall include, for the year covered by the report, the following:
“(1) With respect to environmental restoration activities of the Department of Defense, and for each of the military departments, information on the Defense Environmental Restoration Program under section 2701 of this title, including—

(A) the total number of sites at which such program was carried out;

(B) a remediation for sites that have not yet completed cleanup;

(C) the remaining cost to complete cleanup of known sites; and

(D) Final Year 2022 as determined by the Secretary of Defense of the overall progress of such program.

(2) An assessment by the Secretary of achievements for environmental compliance by the Department.

(3) An assessment by the Secretary of achievements for climate resiliency by the Department.

(4) An assessment by the Secretary of achievements for environmental by the Department.

(c) CONSOLIDATION.—The Secretary of Defense may consolidate or attach with or otherwise combine a report required under subsection (a) any annual report or other requirement that is aligned or associated with, or would be better understood if presented as part of a combined report addressing energy performance, resilience, and readiness.

(1) IN GENERAL.—Section 2925 of such title is amended—

(A) by amending the section heading to read as follows: “Annual report on energy performance, resilience, and readiness of Department of Defense”; and

(B) by striking subsections (a) and (b) and inserting the following new subsections:

(a) REPORT REQUIRED.—Not later than 240 days after the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report detailing the fulfillment during that fiscal year of the authorities and requirements under sections 2701, 2702, 2703, 2705, and 2801 of this title, and a description of and progress towards the implementation of the energy performance, resilience, and readiness goals and master planning for the Department of Defense, including associated metrics pursuant to subsections (c) and (d) of section 2901 of this title and requirements under section 2888(g) of this title.

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

(1) For the year covered by the report, the following:


(B) A description of the energy savings, return on investment, and enhancements to installations and the use of operational energy in combat platforms and training exercises.

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

(1) For the year covered by the report, the following:

(A) A description of and progress towards the energy security, resilience, and performance goals and master planning for the Department of Defense, including associated metrics pursuant to subsections (c) and (d) of section 2901 of this title and requirements under section 2888(g) of this title.

(B) An evaluation of progress made by the Department in implementing the operational energy strategy of the Department, including the progress of key initiatives and technology investments related to operational energy demand and management.

(2) Amounts of any funds transferred by the Secretary of Defense pursuant to section 2912 of this title, including a detailed description of the purpose for which such amounts have been used.

"(B) Statistical information on operational energy demands of the Department, in terms of energy, for the department for the preceding five fiscal years, including information on funding made available in regular defense appropriations Acts and any supplemental appropriations Acts.

(3) A description of each initiative related to the operational energy strategy of the Department and a summary of funds appropriated for each in the five fiscal years preceding the previous fiscal year and current fiscal year and requested for each initiative for the next five fiscal years.

(4) Such recommendations as the Secretary considers appropriate for additional changes in organization or authority within the Department to enable further implementation of the energy strategy and such other comments and recommendations as the Secretary considers appropriate.

(5) A description of and progress towards each initiative related to energy security and resilience at military installations and the use of operational energy in combat platforms and training exercises.

(b) ENERGY REPORT.—

SEC. 331. INCREASE OF TRANSFER AUTHORITY FOR FUNDING OF STUDY AND ASSESSMENT OF IMPORTANCE AND IMPACTS OF PER- AND POLYFLUOROALKYL SUBSTANCES ON HEALTH OF POPULATION, TOXIC SUBSTANCES, AND WATER RESOURCES.

(a) IN GENERAL.—The Secretary of Defense may transfer not more than $2,000,000 in fiscal year 2023 to the Secretary of Health and Human Services to pay for the study and assessment required by this section.

(b) ENERGY REPORT.—In any report submitted by the Secretary of Defense to the congressional defense committees a report required under section 2925 of title 10, United States Code, the Secretary of Defense shall publish a detailed description of the purpose for which such amounts have been used.

(c) FOREIGN ENTITY OF CONCERN.—In this section, the term ‘‘foreign entity of concern’’ has the meaning given that term in section 9901 of the William (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

Subtitle C—Treatment of Perfluoroalkyl Substances and Polyfluoroalkyl Substances

SECTION 332. MODIFICATION OF LIMITATION ON DISCLOSURE OF RESULTS OF TESTING FOR PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES ON PRIVATE PROPERTY.

SECTION 333. DEPARTMENT OF DEFENSE RESEARCH RELATING TO PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES.
alternative to aqueous film forming foam that contains perfluoroalkyl or polyfluoroalkyl substances, excluding any proprietary information that is business confidential.

(C) Regularly updated information on research projects supported or conducted by the Department pertaining to the health effects of perfluoroalkyl or polyfluoroalkyl substances, including information relating to the impact of such substances on fire-fighters, veterans, and military families and excluding any personally identifiable information.

(D) Regularly updated information on research projects supported or conducted by the Department to address the use of perfluoroalkyl or polyfluoroalkyl substances and the health effects of the use of such substances.

(2) BRIEFING.—The information published under paragraph (1) shall be made available in a downloadable, machine-readable, open, and a user-friendly format.

(3) DEFINITIONS.—In this subsection:

(A) includes all costs, such as inflation, (b) program baseline, (ii) a w...
SEC. 355. REPEAL OF COMPTROLLER GENERAL REVIEW ON TIME LIMITATIONS ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

Subsection (c) of section 322 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–64; 123 Stat. 2232) is repealed.

Subtitle E—Reports

SEC. 371. INCLUSION OF INFORMATION REGARDING JOINT MEDICAL TESTS IN FUTURE DOD READINESS REPORTS.

Section 482(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (11) as paragraph (12); and

(2) by inserting after paragraph (10) the following new paragraph:


Subtitle F—Other Matters

SEC. 381. IMPLEMENTATION OF RECOMMENDATIONS RELATING TO ANIMAL FACILITY SANITATION AND MASTER PLAN FOR HOUSING AND CARE OF HORSES.

(a) IMPLEMENTATION BY SECRETARY OF THE ARMY OF COMMISSIONER'S RECOMMENDATIONS RELATING TO ANIMAL FACILITY SANITATION.—Not later than March 1, 2023, the Secretary of the Army shall implement the recommendations contained in the memorandum of the Department of the Army dated February 25, 2022, the subject of which is “Animal Facility Sanitation Inspection Findings for the Fort Myer Caisson Barns/Paddocks and the Fort Belvoir Caisson Pasture Facility” (“MCH-RN”).

(b) MASTER PLAN FOR THE HOUSING AND CARE OF ALL HORSES WITHIN THE CARE OF THE OLD GUARD.—

(1) IN GENERAL.—Not later than March 1, 2023, the Secretary of the Army shall submit to Congress a master plan for the housing and care of all horses within the care of the 3rd United States Infantry (commonly known as the ‘Old Guard’).

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) describe all modifications planned or underway at the Fort Myer Caisson Barns/Paddocks and the Fort Belvoir Caisson Pasture Facility, and any other facility or location under consideration for stabling of the horses described in paragraph (1);

(B) identify adequate space at Fort Myer, Virginia, to properly care for the horses described in paragraph (1);

(C) prioritize the allotment of the space identified under subparagraph (B) to other functions of Fort Myer that could be placed elsewhere;

(D) include projected timelines and resource requirements to execute the plan;

(E) describe—

(i) immediate remedies for the unsanitary and unsafe conditions present at the locations described in subparagraph (A); and

(ii) how long-term quality of life improvements will be provided for the horses described in paragraph (1); and

SEC. 382. INCLUSION OF LAND UNDER JURISDICTION OF DEPARTMENT OF DEFENSE SUBJECT TO LONG-TERM REAL ESTATE LEASES OR PURCHASE AS COMMUNITY INFRASTRUCTURE FOR PURPOSES OF DEFENSE COMMUNITY INFRASTRUCTURE PROGRAM.

Section 2391(e)(4)(A)(i) of title 10, United States Code, is amended by inserting before the semicolon the following: ‘‘or on land under the jurisdiction of a Secretary of a military department subject to a long-term real estate agreement, such as a lease or an easement’’.

SEC. 383. RESTRICTION ON PROCUREMENT OR PURCHASING BY DEPARTMENT OF DEFENSE OF TURNOVER GEAR FOR FIREFIGHTERS CONTAINING PERFLUORALKYL SUBSTANCES OR POLYFLUOROALKYL SUBSTANCES.

(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of the Navy may not obligate or expend funds to discontinue or prepare to discontinue, including through substantive reduction in training and operational employment, the Marine Mammal System program that has been or is currently being used for—

(1) to mine search capabilities, commonly known as Mark-6 systems; or

(b) WAIVER.—The Secretary of the Navy may waive the prohibition under subsection (a) if the Secretary, with the concurrence of the Director of Operational Test and Evaluation of the Department of Defense, certifies to the congressional defense committees in writing that the Secretary has—

(1) identified a replacement capability and the necessary quantity of systems to carry out such capability to meet all operational requirements currently being met by the Marine Mammal System; and

(2) provided a detailed explanation of such capability and quantity.

(3) E X TENSION OF EFFECTIVE DATE.—If the Secretary certifies that the Marine Mammal System has a replacement capability that has achieved initial operational capability to continue to meet or exceed all operational requirements currently being met by the Marine Mammal System, the Secretary shall provide a detailed explanation of such deployment.


The Secretary of the Navy shall continue, through fiscal year 2023—

(1) to perform the responsibilities of the Department of Defense executive agent for the Naval Small Craft Instruction and Technical Training School pursuant to section 352(b) of title 10, United States Code; and

(2) to provide such support, as necessary, for the continued operation of such school.

SEC. 385. PROHIBITION ON USE OF FUNDS TO DISCONTINUE THE MARINE MAMMAL SYSTEM PROGRAM.

(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of the Navy may not obligate or expend funds to discontinue or prepare to discontinue, including through substantive reduction in training and operational employment, the Marine Mammal System program that has been or is currently being used for—

(1) to mine search capabilities, commonly known as Mark-7 systems; or

(b) IMPLEMENTATION.—The Secretary of the Navy shall implement the recommendations described in paragraph (1) with a detailed explanation of such implementation.

(2) E X TENSION OF EFFECTIVE DATE.—If the Secretary certifies that the Marine Mammal System has a replacement capability that has achieved initial operational capability to continue to meet or exceed all operational requirements currently being met by the Marine Mammal System, the Secretary shall provide a detailed explanation of such deployment.

SEC. 386. LIMITATION ON REPLACEMENT OF NON-TACTICAL VEHICLE FLEET OF THE DEPARTMENT OF DEFENSE WITH ELECTRIC VEHICLES, ADVANCED-BIOFUEL-Powered VEHICLES, OR HYDROGEN-Powered VEHI- CLES.

(a) IN GENERAL.—Until the date on which the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives the report described in subsection (b), the Secretary may not enter into an indefinite delivery indefinite quantity contract to procure and replace the existing non-tactical vehicle fleet of the Department of Defense with electric vehicles, advanced-biofuel-powered vehicles, or hydrogen-powered vehicles.

(b) ELEMENTS.—The report described in this subsection shall include the following:

(1) A complete cost estimate for the acquisition by the Department of Defense, or through contract mechanisms used by the Department, such as energy savings performance contracts, of electric non-tactical vehicles to replace the existing non-tactical vehicle fleet of the Department of Defense, which shall include—

(A) the cost per unit and number of units to be procured of each type of non-tactical vehicle (trucks, buses, vans, etc.);

(B) the cost associated with building the required infrastructure to support electric non-tactical vehicles, including charging stations and electric grid requirements;

(C) a per-unit lifecycle cost comparison between electric vehicles and combustion en- gined vehicles of each electric truck versus conventional truck, etc.;

(D) maintenance requirements of electric vehicles compared to combustion engine ve- hicles; and

(E) for each military department, a cost comparison over periods of three, five, 10,
and 15 years of pursuing an electric non-tactical vehicle fleet versus continuing with combustion engine non-tactical vehicles.

(2) An assessment of the current and projected supply chain shortfalls for lithium, cobalt, and nickel from Taiwan, India, member countries of the North Atlantic Treaty Organization, and major allies of the North Atlantic Treaty Organization.

(3) An assessment of the current and projected supply chain shortfalls for electric vehicles, set forth by industry.

(4) An assessment of the cost associated with building the required infrastructure to support electric non-tactical vehicles, including charging stations and electric grid requirements.

(5) An assessment of the security risks associated with data collection conducted with respect to electric vehicles and related computer systems.

(6) An assessment of the current range requirements for electric vehicle compared to the average life of vehicles of the Department necessary to maintain current readiness requirements of the Department.

(7) An assessment of maintenance requirements of electric vehicles compared to combustion engine vehicles.

(8) A cost-benefit analysis of the time, cost, and resources associated with the transition from electric non-tactical vehicles compared to combustion engine non-tactical vehicles.

(9) An assessment of the effect transitioning to electric non-tactical vehicles would have on the National Defense Stockpile administered by the Defense Logistics Agency and current and future requirements relating to such stockpile.

(10) An assessment of components for electric non-tactical vehicles that are currently being sourced from the People’s Republic of China.

(11) An assessment of the long-term cost and benefit to the Department of being an early adopter of hydrogen-powered vehicles and advanced-biofuel-powered vehicles.

(12) An assessment of the long-term availability to the Department of internal combustion engine and spare parts for such engines, including whether or not they will be manufactured in the United States or repairable with parts made in the United States and imported into the United States.

(13) A comparison of the relative risk to personnel of the Department, budgetary impacts, and impacts on the supply chain between electric and internal combustion engine vehicles, and the tradeoffs associated with the adoption and use of any particular fuel type.

(14) ADDITIONAL PROHIBITION.—No funds may be obligated or expended for the Department of Defense for the procurement of non-tactical electric vehicles, advanced-biofuel-powered vehicles, hydrogen-powered vehicles, or any components or spare parts associated with such vehicles that are not in compliance with subpart 22.15 of the Federal Acquisition Regulation maintained under section 1903(a)(1) of title 41, United States Code (or any successor regulations), on the prohibition to leverage operational data produced by forced or indented child labor.

(15) DEFINITIONS.—In this section:

(1) ADVANCED-BIOFUEL-POWERED VEHICLE.—The term ‘‘advanced-biofuel-powered vehicle’’ includes a vehicle that uses a fuel described in section 90013(a)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(a)(3)).

(2) CHARGING STATION.—The term ‘‘charging station’’ means a parking space with electric vehicle supply equipment that supplies electric energy for the recharging of electric vehicles with at least a level 2 charger.

(3) ELECTRIC GRID REQUIREMENTS.—The term ‘‘electric grid requirements’’ means the power grid and infrastructure requirements needed to support plug-in electric vehicles and the transmission of electricity through a fuel cell or internal combustion.

(4) HYDROGEN-POWERED VEHICLE.—The term ‘‘hydrogen-powered vehicle’’ means a vehicle that uses hydrogen as the main source of motive power.

(5) NON-TACTICAL VEHICLE.—The term ‘‘non-tactical vehicle’’ means any commercial motor vehicle, trailer, material handling equipment, or engineering equipment that carries passengers or cargo acquired for the administrative, direct mission, or operational support of the Department of Defense.

SEC. 387. LIMITATION ON USE OF CHARGING STATIONS FOR PERSONAL ELECTRIC VEHICLES.

The Secretary of Defense may not permit the charging of personal electric vehicles through the use of charging stations provided by the Department of Defense unless the charging infrastructure for such stations allows for the receipt of payment for such charging.

SEC. 388. PILOT PROGRAMS FOR TACTICAL VEHICLE SAFETY DATA COLLECTION.

(a) IN GENERAL.—Not later than October 1, 2023, the Secretary of the Army and the Secretary of the Navy shall each initiate a pilot program to evaluate the utility of using data recorders to monitor, assess, and improve readiness and the safe operation of tactical vehicles of the Army and the Marine Corps, respectively.

(b) DURATION.—Each pilot program initiated under subsection (a) shall be carried out for a period of not less than two years.

(c) REQUIREMENTS.—In carrying out a pilot program under this section, the Secretary of the Army and the Secretary of the Navy shall:

(1) carry out the pilot program at not fewer than one military installation in the United States selected by the Secretary concerned that contains the necessary forces, equipment, and maneuver training ranges to collect data on drivers and military tactical vehicles during training and routine operation;

(2) install data recorders on a sufficient number of each type of military tactical vehicle specified in subsection (d) to gain statistically significant results;

(3) select a data recorder capable of collecting and exporting telemetry data, event data, and diagnostic data during operation and accidents;

(4) establish and maintain a data repository for operation and event data captured by the data recorder; and

(5) establish processes to leverage operation and event data to improve individual vehicle operator performance, identify instances of hazardous operation, and identify vehicle-type specific operating conditions that increase the risk of accidents or mishaps.

(d) MILITARY TACTICAL VEHICLES SPECIFIED.—Military tactical vehicles specified in this subsection are the following:

(1) High Mobility Multipurpose Wheeled Vehicles.

(2) Family of Medium Tactical Vehicles.

(3) Medium Tactical Vehicle Replacements.

(4) Heavy Expanded Mobility Tactical Trucks.

(5) Light Armored Vehicles.

(6) Striker armored combat vehicles.

(7) Such other military tactical vehicles as the Secretary of the Army or the Secretary of the Navy considers appropriate.

(e) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Navy shall each—

(1) develop plans for implementing the pilot programs under this section; and

(2) provide to the congressional defense committees a briefing on those plans and the estimated cost of implementing those plans.

(f) REPORT REQUIRED.—Not later than December 15, 2024, the Secretary of the Army and the Secretary of the Navy shall submit to the congressional defense committees a report on the pilot program carried out under this section by the Secretary concerned, including—

(1) insights and findings regarding the utility of using data recorders to monitor, assess, and improve readiness and the safe operation of military tactical vehicles;

(2) adjustments made, if any, to the implementation plans developed under subsection (e); and

(3) any other matters as determined appropriate by the Secretary concerned.

(g) ASSESSMENT REQUIRED.—Not later than December 15, 2025, the Secretary of the Army and the Secretary of the Navy shall jointly submit to the congressional defense committees an assessment of the pilot programs carried out under this section, including—

(1) insights and findings regarding the utility of using data recorders to monitor, assess, and improve readiness and the safe operation of military tactical vehicles;

(2) an assessment of the utility of establishing enduring plans to use data recorders to monitor, assess, and improve readiness and the safe operation of military tactical vehicles;

(3) an assessment of the scope, size, and estimated cost of such an enduring program; and

(4) any other matters as the Secretary of the Army and the Secretary of the Navy determine appropriate.

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, 2023, as follows:

(a) The Army, 473,000.

(b) The Navy, 354,000.

(c) The Marine Corps, 177,000.

(d) The Air Force, 325,344.

(e) The Space Force, 8,600.

SEC. 402. END STRENGTH LEVEL MATTERS.

(a) STRENGTH LEVELS FOR SUPPORT NATIONAL DEFENSE STRATEGY.—

(1) IN GENERAL.—Section 691 of title 10, United States Code, is repealed.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 39 of such title is amended by striking the item relating to section 691.

(3) IN SUBSECTION.—Section 691 of such title is amended by striking the item relating to section 691.

(4) IN SUBSECTION.—In subsection (f), by striking ‘‘increases’’ each place it appears and inserting ‘‘vary’’; and

(5) IN SUBSECTION.—In subsection (g), by striking paragraph (1) and inserting the following new subparagraphs:

‘‘(A) vary the end strength pursuant to subsection (a)(1)(A) for a fiscal year for the armed forces under the jurisdiction of that Secretary by a number equal to or more than 2 percent of such authorized end strength; and

(B) vary the end strength pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of the reserve component of the armed forces or forces under the jurisdiction of that Secretary by a number equal to or more than 2 percent of such authorized end strength.’’. and
SEC. 403. ADDITIONAL AUTHORITY TO VARY SELECTED RESERVE END STRENGTH.

(a) IN GENERAL.—Notwithstanding section 115(g) of title 10, United States Code, upon determination by the Secretary of the Air Force, with the agreement of the joint chiefs of staff, that such action would enhance training and readiness in essential units or in critical specialties, the Secretary may vary the end strength authorized by Congress for each fiscal year as follows:

(1) Increase the end strength authorized pursuant to section 115(a)(1)(A) for a fiscal year for the Space Force by a number equal to not more than 5 percent of such authorized end strength.

(2) Decrease the end strength authorized pursuant to section 115(a)(1)(A) for a fiscal year for the Air Force by a number equal to not more than 10 percent of such authorized end strength.

(b) TERMINATION.—The authority provided under subparagraph (a) shall terminate on December 31, 2023.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized for strengths for Selected Reserve personnel of the reserve components as of September 30, 2023, as follows:

(1) The Army National Guard of the United States, 336,000.

(2) The Army Reserve, 189,500.

(3) The Navy Reserve, 97,700.

(4) The Marine Corps Reserve, 33,000.


(6) The Air Force Reserve, 70,000.

(7) The Coast Guard Reserve, 7,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by a number equal to not more than 10 percent of such authorized end strength.

(c) TERMINATION.—The authority provided under subparagraph (a) shall terminate on December 31, 2023.

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2023, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 30,845.

(2) The Army Reserve, 16,511.

(3) The Navy Reserve, 10,077.

(4) The Marine Corps Reserve, 2,388.


(6) The Air Force Reserve, 6,003.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

(a) IN GENERAL.—The minimum number of military technicians (dual status) as of the last day of fiscal year 2023 for the reserve components of the Army and the Air Force shall be the following:

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

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

(3) For the Air National Guard of the United States, 10,994.

(4) For the Air Force Reserve, 7,111.

(b) LIMITATION ON NUMBER OF TEMPORARY MILITARY TECHNICIANS.—The number of temporary military technicians (dual-status) employed under the authority of subsection (a) may not exceed 25 percent of the total authorized number specified in such subsection.

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

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

During fiscal year 2023, 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 113(b) of title 10, United States Code, is determined by:

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

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

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

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

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

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2023 for the Armed Forces for purposes of the Department of Defense, and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4301.

(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 2023.

SECTION 422. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2023 for the Armed Forces for purposes of the Department of Defense, and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4201.

(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 2023.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. CONSIDERATION OF CONGRESSIONAL RECORD — SENATE October 11, 2022
SEC. 506. REPEAL OF REQUIREMENT FOR INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE CONCERNING MINUTEMAN III. Section 874(b) of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-181; 10 U.S.C. 1701 note) is amended—

(d) by redesignating paragraph (5) as paragraph (6); and (e) by inserting after paragraph (5) the following new paragraph:

“(6) In paragraph (2) of section 328(b) of title 32, United States Code, the term ‘covered incident’ means—

(A) a cyber incident involving a Department of Defense information system or a breach of a Department of Defense system that involves personal information, that the Secretary of Defense determines is likely to result in demonstrable harm to the national security interests, foreign relations, or the economy of the United States, or to the public confidence, civil liberties, or public health and safety of the people of the United States; or

(B) a cyber incident or collection of related cyber incidents that are determined by the President to be likely to result in demonstrable harm to the national security interests, foreign relations, or economy of the United States or to the public confidence, civil liberties, or public health and safety of the people of the United States; or

(C) a significant incident declared pursuant to section 2233 of the Homeland Security Act of 2002 (6 U.S.C. 677b).”.

SEC. 511. AUTHORITY TO WAIVE REQUIREMENT THAT PERFORMANCE OF ACTIVE DUTIES OF A NUCLEAR AND MISSILE OPERATIONS OFFICER (12N). Section 506(b) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 116-92; 10 U.S.C. 1282) is amended—

(d) by redesignating paragraph (2) as paragraph (3); and (e) by inserting after paragraph (2) the following new paragraph:

“(3) Training performed under paragraph (1) shall terminate on October 1, 2024.”.

SEC. 512. SELECTED RESERVE AND READY RESERVE ORDER TO ACTIVE DUTY TO RESPOND TO A SIGNIFICANT CYBER INCIDENT. Section 12304 of title 10, United States Code, is amended—

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

“(c) SIGNIFICANT CYBER INCIDENTS.—The Secretary of Defense may, without the consent of the member of the Ready Reserve ordered to active duty for a continuous period of not more than 365 days when the Secretary of Defense determines it is necessary to augment the active forces for a Department of Defense response to a covered incident—:

(1) by redesignating paragraphs (2) and (3) as (3) and (4), respectively; and

(2) by striking ‘‘Secretary of Defense’’ and inserting ‘‘Secretary concerned’’.

SEC. 513. BACKDATING OF EFFECTIVE DATE OF RANK FOR RESERVE OFFICERS IN THE NATIONAL GUARD DUE TO UNDUE DELAYS IN FEDERAL RECOGNITION. Paragraph (2) of section 14308(b) of title 10, United States Code, is amended to read as follows:

“(2) If there is a delay in extending Federal recognition in the next higher grade in the Army National Guard or the Air National Guard to a reserve commissioned officer of the Army or the Air Force that exceeds 180 days from the date the National Guard Bureau determines such officer’s application for Federal recognition to be completely submitted by the State and ready for review at the National Guard Bureau, and the delay was not attributable to the action or inaction of such officer—

(A) In the event of State promotion with an effective date prior to January 1, 2024, the effective date of the promotion concerned under paragraph (1) may be adjusted to a date determined by the Secretary concerned, but not earlier than the effective date of the State promotion; and

(B) In the event of State promotion with an effective date on or after January 1, 2024, the effective date of the promotion concerned under paragraph (1) shall be adjusted by the Secretary concerned to the later of—

(i) the date the National Guard Bureau deems such officer’s application for Federal recognition to be completely submitted by

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

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

“(2) The term ‘covered incident’ means—

(A) a cyber incident involving a Department of Defense information system or a breach of a Department of Defense system that involves personal information, that the Secretary of Defense determines is likely to result in demonstrable harm to the national security interests, foreign relations, or economy of the United States, or to the public confidence, civil liberties, or public health and safety of the people of the United States; or

(B) a cyber incident or collection of related cyber incidents that are determined by the President to be likely to result in demonstrable harm to the national security interests, foreign relations, or economy of the United States or to the public confidence, civil liberties, or public health and safety of the people of the United States; or

(C) a significant incident declared pursuant to section 2233 of the Homeland Security Act of 2002 (6 U.S.C. 677b).”.

SEC. 514. MODIFICATION OF REPORTS ON AIR FORCE PERSONNEL PERFORMING DUTIES OF A NUCLEAR AND MISSILE OPERATIONS OFFICER (12N). Section 507 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 116-92; 10 U.S.C. 1282) is amended—

(d) by inserting after paragraph (7) the following new paragraph:

“(8) The term ‘covered incident’ means—

(A) a cyber incident involving a Department of Defense information system or a breach of a Department of Defense system that involves personal information, that the Secretary of Defense determines is likely to result in demonstrable harm to the national security interests, foreign relations, or economy of the United States, or to the public confidence, civil liberties, or public health and safety of the people of the United States; or

(B) a cyber incident or collection of related cyber incidents that are determined by the President to be likely to result in demonstrable harm to the national security interests, foreign relations, or economy of the United States or to the public confidence, civil liberties, or public health and safety of the people of the United States; or

(C) a significant incident declared pursuant to section 2233 of the Homeland Security Act of 2002 (6 U.S.C. 677b).”.

SEC. 515. BACKDATING OF EFFECTIVE DATE OF RANK FOR RESERVE OFFICERS IN THE NATIONAL GUARD DUE TO UNDUE DELAYS IN FEDERAL RECOGNITION. Section 523 of title 10, United States Code, is amended—

(d) of such section) serving on active duty in grades of major, lieutenant colonel, and colonel.

SEC. 505. AUTHORIZED STRENGTHS FOR SPACE FORCE OFFICERS ON ACTIVE DUTY IN GRADES OF MAJOR, LIEUTENANT COLONEL, AND COLONEL. The table in subsection (a)(1) of section 523 of title 10, United States Code, is amended by inserting after the items relating to the Marine Corps new items relating to the total number of commissioned officers (excluding officers in categories specified in subsection (b) of such section) serving in the Space Force in the grades of major, lieutenant colonel, and colonel, respectively, as follows:

<table>
<thead>
<tr>
<th>Rank</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major</td>
<td>1,016</td>
<td>1,135</td>
<td>1,259</td>
</tr>
<tr>
<td>Lieutenant Colonel</td>
<td>1,045</td>
<td>1,169</td>
<td>1,295</td>
</tr>
<tr>
<td>Colonel</td>
<td>1,259</td>
<td>1,135</td>
<td>1,045</td>
</tr>
</tbody>
</table>

1,016 782 224
1,135 873 262
1,259 845 315
1,045 733 202
1,169 903 256
1,295 954 291
the State and ready for review at the National Guard Bureau; and
(ii) the date on which the officer occupies a billet in the next higher grade.

SEC. 514. INDEPENDENT STUDY ON FEDERAL RECOGNITION PROCESS.
(a) INDEPENDENT STUDY.—
(1) REQUIREMENT.—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 and development center to conduct a study on the National Guard commissioned officer and warrant officer promotion system and provide recommendations to the Department of Defense, the National Guard Bureau, the Department of the Army, the National Guard Bureau, and individual State National Guard commands.

(b) REQUIREMENTS.—The study referred to in paragraph (1) shall include the following elements:

(A) An update on efforts to transition to fully digital processes in accordance with recommendations made pursuant to subsection (a).
(B) The average processing time for personnel actions related to Federal recognition of reserve commissioned officer promotions in the Army and Air National Guards, respectively, during the time in days from the date at which the National Guard Bureau received the promotion until the date at which Federal recognition was granted.
(C) The time it took during the previous fiscal year to extend Federal recognition.

(D) The number of Army and Air National Guard commissioned officer promotions delayed greater than 90 days in the previous fiscal year.
(E) A summary of any additional resources or authorities needed to further streamline the Federal recognition processes to reduce average Federal recognition processing time to 90 days or fewer.
(F) Any other information that the Secretary concerns deemed relevant.

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

(A) Reasons for delays in processing personnel actions for Federal recognition of State National Guard member promotions.
(B) The Federal recognition process used to extend Federal recognition to State promotions.
(C) Best practices among the various State National Guards for managing their requirements under the existing National Guard promotion system.
(D) Possible improvements to requirements, policies, procedures, workflow, or resources to reduce the processing time for Federal recognition of state promotions.
(E) An assessment of the feasibility of developing or adopting a commercially available automated system for seamless transition for promotions through review at the National Guard Bureau, the Department of the Army, the Department of the Air Force, and the Department of Defense.

(F) Possible metrics to evaluate effectiveness of any recommendations made.

(G) Possible remedies for undue delays in Federal recognition, including adjustment to the effective date of promotions beyond current statutory authorities.

(H) Any other matters the federally funded research and development center determines relevant.

(3) REPORT.—
(A) IN GENERAL.—The contract under paragraph (1) shall require the federally funded research and development center to conduct the study under the contract to submit to the Secretary of Defense, the Secretary of the Army, the Secretary of the Air Force, and the Chief of the National Guard Bureau a report on the results of the study.

(B) SUBMISSION TO CONGRESS.—Upon receiving the report required under subparagraph (A), the Secretary of Defense shall submit an unedited copy of the report results to the congressional defense committees within 30 days of such report from the federally funded research and development corporation.

(b) REPORTING REQUIREMENT.—
(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter until the date specified in paragraph (3), the Secretary of Defense, in consultation with the Secretary of the Army and the Secretary of the Air Force as appropriate, 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 current status of the Federal recognition process for National Guard promotions.

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

(1) Any an update on efforts to transition to fully digital processes in accordance with recommendations made pursuant to subsection (a),
(2) The average processing time for personnel actions related to Federal recognition of reserve commissioned officer promotions in the Army and Air National Guards, respectively, during the time in days from the date at which the National Guard Bureau received the promotion until the date at which Federal recognition was granted.
(3) The time it took during the previous fiscal year to extend Federal recognition.
(4) The number of Army and Air National Guard commissioned officer promotions delayed greater than 90 days in the previous fiscal year.
(5) A summary of any additional resources or authorities needed to further streamline the Federal recognition processes to reduce average Federal recognition processing time to 90 days or fewer.
(6) Any other information that the Secretary concerns deemed relevant.

(3) EXPIRATION OF ANNUAL REPORTING REQUIREMENT.—The date referred to in paragraph (1) is such time as the average processing time for personnel actions described under this subsection is reduced to 90 days or fewer for each of the Army and Air National Guards.

SEC. 515. CONTINUED NATIONAL GUARD SUPPORT FOR FIREGUARD PROGRAM.
(a) REQUIRED SUPPORT THROUGH FISCAL YEAR 2028.—Until September 30, 2026, the Secretary of Defense shall continue to support the FireGuard program with National Guard personnel, including personnel from the California National Guard and Colorado National Guard, to aggregate, analyze, and assess multi-source remote sensing information for interagency partnerships in the initial detection and monitoring of wildfires across the United States.

(b) NOTICE AND WAIVER REQUIREMENT AFTER FISCAL YEAR 2028.—Beginning on October 1, 2026, the Secretary of Defense may not reduce the support described under subsection (a), or transfer responsibility for such support to an interagency partner, until 30 days after the Secretary submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a written notice of the proposed change, and reasons for the change.

SEC. 516. INCLUSION OF UNITED STATES NATIONAL GUARD PERSONNEL IN THE NATIONAL GUARD PROGRAM.
(a) REQUIREMENT.—Not later than one year 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 written notice of the proposed change, and reasons for the change.

(b) ELEMENTS.—The report required under this section (a) is such time as the average processing time for personnel actions described under this subsection is reduced to 90 days or fewer for each of the Army and Air National Guards.

(c) SOLEMNITY OF MILITARY SERVICE.—Sec- tion 508(d) of title 32, United States Cod- e, is amended—
(1) by redesignating paragraph (14) as para- graph (15); and
(2) by inserting after paragraph (13) the fol- lowing new paragraph:

‘‘(14) The United States Naval Sea Cadet Corps.’’;

Subtitle C—General Service Authorities and Military Records
SEC. 521. MODERNIZATION OF THE SELECTIVE SERVICE SYSTEM.
(a) REFERENCE.—Except as expressly provided to a section or other provision shall be deemed to be a reference to that section or other provision of the Military Selective Service Act (50 U.S.C. 3801 et seq.).

(b) PURPOSE OF SELECTIVE SERVICE.—Sub- section (b) of section 1 (50 U.S.C. 3801) is amended to read as follows:

‘‘(b) The President declares that the secu- rity of the Nation requires that adequate military strength be achieved and main-
with each exercise to communicate the purpose of the exercise to the public;''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—The Military Selective Service Act is amended—

(1) in section 4 (50 U.S.C. 3803)—

(A) in subsection (a) in the third undesignated paragraph—

(i) by striking ‘‘his acceptability in all respects, including such person’s status’’ and inserting ‘‘such person’s acceptability in all respects, including such person’s status’’; and

(ii) by striking ‘‘his proper conduct of such person’s’’ and inserting ‘‘the President may prescribe’’;

(B) in subsection (c)—

(i) in paragraph (2), by striking ‘‘any enlisted member’’ and inserting ‘‘any person who is enlisted member’’;

(ii) in paragraph (3)(A), by striking ‘‘his proper conduct of such person’s’’ and inserting ‘‘the President may prescribe’’;

(iii) in paragraph (4)(A), by striking ‘‘his proper conduct of such person’s’’ and inserting ‘‘the President may prescribe’’;

(C) in subsection (g), by striking ‘‘coordinate with him’’ and inserting ‘‘coordinate with the Director’’; and

(D) in subsection (k)(1), by striking ‘‘finding by him’’ and inserting ‘‘finding by the President’’;

(2) in section 5(d) (50 U.S.C. 3805(d)), by striking ‘‘he may prescribe’’ and inserting ‘‘the President may prescribe’’;

(3) in section 6 (50 U.S.C. 3806)—

(A) in subsection (a), by striking ‘‘his proper conduct of such person’s’’ and inserting ‘‘the President may prescribe’’;

(B) in subsection (d)(3), by striking ‘‘he may deem appropriate’’ and inserting ‘‘the President considers appropriate’’; and

(C) in subsection (h), by striking ‘‘he may prescribe’’ each place it appears and inserting ‘‘the President may prescribe’’;

(4) in section 10 (50 U.S.C. 3809)—

(A) in subsection (b)—

(i) in paragraph (3)—

(I) by striking ‘‘He shall create’’ and inserting ‘‘The President shall create’’;

(II) by striking ‘‘who, as his regular and customary vocation’’ and inserting ‘‘a person who, as his regular and customary vocation’’; and

(ii) by striking ‘‘his proper conduct of such person’s’’ and inserting ‘‘the President considers appropriate’’;

(B) in subsection (d), by striking ‘‘his’’ each place it appears and inserting ‘‘the President’s’’;

(5) in section 13(b) (50 U.S.C. 3813(b)), by striking ‘‘regulation if he’’ and inserting ‘‘rule if he’’;

(6) in section 15 (50 U.S.C. 3813)—

(A) in subsection (b), by striking ‘‘his’’ each place it appears and inserting ‘‘the President’s’’;

(B) in subsection (d), by striking ‘‘he may deem’’ and inserting ‘‘the President considers’’;

(C) in section 16(g) (50 U.S.C. 3814(g))—

(A) in paragraph (1), by striking ‘‘who as his regular and customary vocation’’ and inserting ‘‘who, as such person’s regular and customary vocation’’; and

(B) in paragraph (2)—

(i) by striking ‘‘one who as his customary vocation’’ and inserting ‘‘a person who, as such person’s regular and customary vocation’’; and

(ii) by striking ‘‘he is a member’’ and inserting ‘‘such person is a member’’;

(D) in subsection (a) (50 U.S.C. 3816(a)), by striking ‘‘the President is authorized’’ and inserting ‘‘the President is authorized’’;

(7) in section 18(a) (50 U.S.C. 3816(a)), by striking ‘‘at the discretion of the President without the approval of the Congress’’ and inserting ‘‘without the approval of the Congress’’;

(8) in section (18)(a) (50 U.S.C. 3816(a)), by striking ‘‘the President is authorized’’ and inserting ‘‘the President is authorized’’;

(9) in section 21 (50 U.S.C. 3811)—

(A) by striking ‘‘is sooner’’ and inserting ‘‘sooner’’;

(B) by striking ‘‘such person is a member’’ and inserting ‘‘such person’s acceptability in all respects, including such person’s status’’; and

(C) by striking ‘‘his consent’’ and inserting ‘‘such member’s consent’’;

(10) in section 22(b) (50 U.S.C. 3820(b)), in paragraphs (1) and (2), by striking ‘‘his’’ each place it appears and inserting ‘‘the registrant’s’’; and

(11) except as otherwise provided in this section—

(A) by striking ‘‘be’’ each place it appears and inserting ‘‘such person’’;

(B) by striking ‘‘his’’ each place it appears and inserting ‘‘such person’s’’;

(C) by striking ‘‘each place it appears and inserting ‘‘such person’’; and

(D) by striking ‘‘present himself’’ each place it appears in section 12 (50 U.S.C. 3811) and inserting ‘‘present himself’’ each place it appears and inserting ‘‘such person’’;

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendments made by subsection (d) shall take effect 1 year after such date of enactment.

SEC. 522. PROHIBITION ON INDUCTION UNDER THE MILITARY SELECTIVE SERVICE ACT WITHOUT EXPRESS AUTHORIZATION.

Section 9 of the Military Selective Service Act (50 U.S.C. 3809) is amended by adding at the end the following new subsection:

(1) No person shall be inducted for training and service in the Armed Forces under this title unless Congress first passes and enacts a law expressly authorizing such induction into the Armed Forces.

SEC. 523. EXTENSION OF TEMPORARY AUTHORITY FOR TARGETED RECRUITMENT INCENTIVES.

Section 522(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 503) is amended—

(1) by striking the semicolon and inserting a comma; and

(2) by striking ‘‘2016’’ and inserting ‘‘2024’’.

SEC. 524. HOME LEAVE DEMONSTRATION PROGRAM.

(a) In General.—During the period specified in subsection (f), the Secretary of a military department may reimburse an eligible member of the armed forces for the cost of airfare for that member to travel to the home of record of the member.

(b) Eligible Members.—A member of the armed forces is eligible for a reimbursement under subsection (a) with respect to travel described in this subsection if—

(1) the member—

(A) is assigned to a duty location in Alaska; and

(B) as of any date during the period specified in subsection (f), has been assigned to a duty location in Alaska for a period of one year or more;

(2) after an evaluation of the member by a mental health provider, that provider recommends, in writing, that the member use leave to which the member is entitled under this title unless Congress first passes and enacts a law expressly authorizing such induction into the Armed Forces.

SEC. 525. PROHIBITION ON CONSIDERING STATE LAWS AND REGULATIONS WHEN DETERMINING INDIVIDUAL DUTY ASSIGNMENTS.

The Secretary of Defense may not use the agreement or disagreement of a member of the armed forces to determine the duty assignment of that member.

SEC. 526. MODIFICATION OF LIMITATIONS ON DISCHARGE OR RELEASE FROM ACTIVE DUTY.

Section 118(a)(10) of title 10, United States Code, is amended by striking ‘‘A member of an armed force’’ and inserting ‘‘A member of an active or reserve component of an armed force’’.

SEC. 527. SEX-NEUTRAL HIGH FITNESS STANDARDS FOR ARMY COMBAT MILITARY OCCUPATIONAL SPECIALTIES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall—

(1) establish sex-neutral fitness standards for combat Military Occupational Specialties (MOSs) that are higher than those for non-combat MOSs; and

(2) provide a briefing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives describing—

(A) the list of combat MOSs established for purposes of paragraph (1); and

(B) the methodology used to determine whether to include any MOS on such list.

Subtitle D—Military Justice and Other Legal Matters

SEC. 541. BRIEFING AND REPORT ON REMUNERATION REQUIRED FOR IMPLEMENTATION OF MILITARY JUSTICE REFORM.

(a) BRIEFING AND REPORT REQUIRED.—Not later than March 1, 2023, and no less frequently than once every 180 days thereafter through December 31, 2024, each Secretary concerned shall provide to the appropriate congressional committees a briefing that details the resourcing necessary to implement subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) and the amendments made by that subtitle.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall submit to the appropriate congressional committees a report that details the resourcing necessary to implement subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) and the amendments made by that subtitle.
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(3) FORM OF BRIEFING AND REPORT.—The
Secretaries concerned may provide the briefings and report required under paragraphs (1)
and (2) jointly, or separately, as determined
appropriate by such Secretaries.
(b) ELEMENTS.—The briefing and report required under subsection (a) shall address the
following:
(1) The number of personnel and personnel
authorizations (military and civilian) required by the Armed Forces to implement
and execute the provisions of subtitle D of
title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law
117–81) and the amendments made by that
subtitle.
(2) The basis for the numbers provided pursuant to paragraph (1), including the following:
(A) A description of the organizational
structure in which such personnel or groups
of personnel are or will be aligned.
(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 following categories of personnel who are
or will participate in the military justice
process: criminal investigators of different
levels and expertise, laboratory personnel,
defense counsel, special trial counsel, military defense counsel, military judges, military magistrates, and paralegals.
(D) Any required increase in the number of
personnel currently authorized in law to be
assigned to the Armed Force concerned.
(3) The nature and scope of any contract
required by the Armed Force concerned to
implement and execute the provisions of subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public
Law 117–81) and the amendments made by
that subtitle.
(4) The amount and types of additional
funding required by the Armed Force concerned to implement the provisions of subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public
Law 117–81) and the amendments made by
that subtitle.
(5) Any additional authorities required to
implement the provisions of subtitle D of
title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law
117–81) and the amendments made by that
subtitle.
(6) Any additional information the Secretary concerned determines is necessary to
ensure
the
manning,
equipping,
and
resourcing of the Armed Forces to implement and execute the provisions of subtitle
D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law
117–81) and the amendments made by that
subtitle.
(c) DEFINITIONS.—In this section:
(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional
committees‘‘ means—
(A) the Committee on Armed Services, the
Committee on Commerce, Science, and
Transportation, and the Committee on Appropriations of the Senate; and
(B) the Committee on Armed Services, the
Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives.
(2) SECRETARY CONCERNED.—The term ‘‘Secretary concerned‘‘ has the meaning given
that term in section 101(a) of title 10, United
States Code.
SEC. 542. RANDOMIZATION OF COURT-MARTIAL
PANELS.
(a) IN GENERAL.—Section 825(e) of title 10,

United States Code (article 25(e) of the Uniform Code of Military Justice), is amended

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October 11, 2022

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by adding at the end the following new paragraph:
‘‘(4) When convening a court-martial, the
convening authority shall detail as members
thereof members of the armed forces under
such regulations as the President may prescribe for the randomized selection of qualified personnel, to the maximum extent practicable.‘‘.
(b) REGULATIONS.—Not later than 2 years
after the date of the enactment of this Act,
the President shall prescribe regulations implementing the requirement under paragraph
(4) of section 825(e) of title 10, United States
Code (article 25(e) of the Uniform Code of
Military Justice), as added by subsection (a).
SEC. 543. MATTERS IN CONNECTION WITH SPECIAL TRIAL COUNSEL.
(a) DEFINITION OF COVERED OFFENSE.—
(1) IN GENERAL.—Paragraph (17)(A) of sec-

tion 801 of title 10, United States Code (article 1 of the Uniform Code of Military Justice), as added by section 533 of the National
Defense Authorization Act for Fiscal Year
2022 (Public Law 117–81; 135 Stat. 1695), is
amended—
(A) by striking ‘‘section 920 (article 120)‘‘
and inserting ‘‘section 919a (article 119a),
section 919b (article 119b), section 920 (article
120), section 920a (article 120a)‘‘; and
(B) by striking ‘‘the standalone offense of
child pornography‘‘ and inserting ‘‘the
standalone offenses of child pornography, indecent conduct, indecent language to a child
under the age of 16, and pandering and
prostitution‘‘.
(2) EFFECTIVE DATE.—The amendments
made by paragraph (1) shall—
(A) take effect on the date that is two
years after the date of the enactment of the
National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81); and
(B) apply with respect to any offenses that
occur after that date.
(b) RESIDUAL PROSECUTORIAL DUTIES AND
OTHER JUDICIAL FUNCTIONS OF CONVENING AUTHORITIES IN COVERED CASES.—The President
shall prescribe regulations to ensure that residual prosecutorial duties and other judicial
functions of convening authorities, including
but not limited to granting immunity, ordering depositions, and hiring experts, with respect to charges and specifications over
which a special trial counsel exercises authority pursuant to section 824a of title 10,
United States Code (article 24a of the Uniform Code of Military Justice), are transferred to the military judge, the special trial
counsel, or other authority as appropriate in
such cases by no later than the effective date
established in section 539C of the National
Defense Authorization Act for Fiscal Year
2022 (Public Law 117–81; 10 U.S.C. 801 note), in
consideration of due process for all parties
involved in such a case.
(c) AMENDMENT TO THE RULES FOR COURTSMARTIAL.—The President shall prescribe in
regulation such modifications to Rule 813 of
the Rules for Courts-Martial and other Rules
as appropriate to ensure that at the beginning of each court-martial convened, the
presentation of orders does not in open court
specify the name, rank, or position of the
convening authority convening such court,
unless such convening authority is the Secretary concerned, the Secretary of Defense,
or the President.
(d) BRIEFING REQUIRED.—Not later than 180
days after the date of the enactment of this
Act, the Secretary of Defense shall brief the
Committees on Armed Services of the Senate
and the House of Representatives on the
progress of the Department of Defense in implementing this section, including an identification of—
(1) the duties to be transferred under subsection (b);
(2) the positions to which those duties will
be transferred; and

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(3) any provisions of law or Rules for
Courts Martial that must be amended or
modified to fully complete the transfer.
(e) ADDITIONAL REPORTING RELATIVE TO IMPLEMENTATION OF SUBTITLE D OF TITLE V OF
THE NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 2022.—Not later than February 1, 2025, and annually thereafter for five
years, the Secretary of Defense shall submit
to the Committees on Armed Services of the
Senate and the House of Representatives a
report assessing the holistic effect of the reforms contained in subtitle D of title V of
the National Defense Authorization Act for
Fiscal Year 2022 (Public Law 117–81) on the
military justice system. The report shall include the following elements:
(1) An overall assessment of the effect such
reforms have had on the military justice system and the maintenance of good order and
discipline in the ranks.
(2) The percentage of caseload and courtsmartial assessed as meeting, or having been
assessed as potentially meeting, the definition of ‘‘covered offense‘‘, disaggregated by
offense and military service where possible.
(3) An assessment of prevalence and data
concerning disposition of cases by commanders after declination of prosecution by
special trial counsel, disaggregated by offense and military service when possible.
(4) Assessment of the effect, if any, the reforms contained in such subtitle have had on
non-judicial punishment concerning covered
and non-covered offenses.
(5) A description of the resources and personnel required to maintain and execute the
reforms made by such subtitle during the reporting period relative to fiscal year 2022.
(6) A description of any other factors or
matters considered by the Secretary to be
important to a holistic assessment of these
reforms on the military justice system.
SEC. 544. JURISDICTION OF COURTS OF CRIMINAL APPEALS.
(a) JURISDICTION.—Section 866 of title 10,

United States Code (article 66 of the Uniform
Code of Military Justice), is amended—
(1) in subsection (b)(1), by striking ‘‘shall
have jurisdiction over‘‘ and all that follows
through the period at the end of subparagraph (D) and inserting the following: ‘‘shall
have jurisdiction over—
‘‘(A) a timely appeal from the judgment of
a court-martial, entered into the record
under section 860c(a) of this title (article
60c(a)), that includes a finding of guilty; and
‘‘(B) a summary court-martial case in
which the accused filed an application for review
with
the
Court
under
section
869(d)(1)(B) of this title (article 69(d)(1)(B))
and for which the application has been
granted by the Court.‘‘; and
(2) in subsection (c), by striking ‘‘is timely
if‘‘ and all that follows through the period at
the end of paragraph (2) and inserting the
following: ‘‘is timely if—
‘‘(1) in the case of an appeal under subparagraph (A) of such subsection, it is filed before
the later of—
‘‘(A) the end of the 90-day period beginning
on the date the accused is provided notice of
appellate rights under section 865(c) of this
title (article 65(c)); and
‘‘(B) the date set by the Court of Criminal
Appeals by rule or order; and
‘‘(2) in the case of an appeal under subparagraph (B) of such subsection, an application
for review with the Court is filed not later
than the earlier of the dates established
under section 869(d)(2)(B) of this title (article
69(d)(2)(B)).‘‘.
(b) REVIEW BY JUDGE ADVOCATE GENERAL.—
Section 869 of title 10, United States Code
(article 69 of the Uniform Code of Military
Justice) is amended—
(1) by amending subsection (a) to read as
follows:

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The text appears to be a legislative document with amendments to the United States Code, specifically focusing on military justice and victim advocacy. It discusses various sections and subsections, including amendments to the Uniform Code of Military Justice, and provisions related to the Department of Defense. The text includes sections about military justice procedures, victim advocacy, and general improvements to the department's policies.

For example, one section discusses the amendment to section 539C of the United States Code, which is related to military justice. The text also mentions the repeal of sections 539C and 549B(b)(2)(A) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, and the amendment to section 1044f(a)(2) of title 10.

Another section amends section 864(c)(3) of the title 10, United States Code, to provide that if an individual chooses to not proceed with a military trial, the case will be referred to an individual described in paragraph (1)(A) as the special trial counsel of the Department of Defense, or to another person, a restrictive report shall be submitted.

The document also includes provisions on the appointment of special trial counsel, the review of appeals, and the establishment of a Special Trial Counsel. It discusses the responsibilities of the Judge Advocate General in the handling of military justice cases, including the appointment of special trial counsel and the review of appeals.

The text is structured in a typical legislative format, with sections, subsections, and paragraphs detailing the amendments and provisions. It uses legal and technical language consistent with legislative documents.
and youth under subsection (a)(2)(C) to determine whether to convene the Serious Harmful Behavior Between Children and Youth Multidisciplinary Team.

(6) by inserting ‘‘, as described in subsection (a)(2)(A) and (a)(2)(B),’’ after ‘‘reported incidents of child abuse’’;

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

‘‘(8) Serious harmful behaviors between children and youth multidisciplinary team means a community response team on a military installation—

(A) composed of designated members with the requisite expertise, qualifications, and skills to address serious harmful behaviors between children and youth from a developmentally appropriate and trauma-informed perspective; and

(B) with objectives that include development of procedures for information sharing, collaborative and coordinated response, restorative resolution, effective investigations and assessments, evidence-based clinical interventions and rehabilitation, and prevention of serious harmful behavior between children and youth.’’.

SEC. 550. PRIMARY PREVENTION.

(a) ANNUAL PRIMARY PREVENTION RESEARCH AGENDA.—Section 549A(c) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) is amended by—

(1) in subsection (c), by adding at the end the following new paragraph:

‘‘(3) COMPTROLLER GENERAL REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the Office of the Secretary of Defense, and the One-Half of the broadest possible range of programs initiated under this section, programs proposed for fiscal year 2023 and beyond.

(b) PRIMARY PREVENTION WORKFORCE.—Section 549A of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) is amended by—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (5), (6), and (7), respectively;

(2) by inserting after paragraph (1) the following new paragraphs:

‘‘(2) the sharing of personnel data between the military departments and the United States Special Operations Command to complete a review and appropriately update departmental guidance and processes required under subsection (a) shall address the respective roles of the military departments and the United States Special Operations Command to monitor the promotion of special operations forces and coordinate with the military departments regarding the assignment, retention, training, military education, and special and incentive pays of special operations forces.

(b) ELEMENTS OF REVIEW.—The review and updates to departmental guidance and processes required under subsection (a) shall—

(1) the recruiting, retention, professional military education, and promotion of special operations personnel;

(2) sharing of personnel data between the military departments and the United States Special Operations Command; and

(3) any other matters the Secretary of Defense determines necessary.

(c) REPORT REQUIRED.—Not later than 90 days after the completion of the review and updates to departmental guidance and processes required under subsection (a), the Secretary of Defense shall submit a report to the congressional defense committees on the results of the review and updates to departmental guidance and processes. The report shall also include any recommended changes to law or resources deemed appropriate by the Secretary.

SEC. 562. EXPANDED ELIGIBILITY TO PROVIDE JUNIOR RESERVE OFFICERS’ TRAINING PROGRAM (JROTC) INSTRUCTION.

Section 2301 of title 10, United States Code, is amended—

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

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

‘‘(f)(1) Instead of, or in addition to, detailing on service commitments on active duty under subsection (c)(1) and authorizing the employment of retired officers and noncommissioned officers who are in receipt of retired pay and retired pay for the Fleet Reserve and Fleet Marine Corps Reserve under subsections (d) and (e), the Secretary of the military department concerned may authorize the appointment as administrators and instructors in the program certain officers and noncommissioned officers who—

(A) are separated under honorable conditions within the past 5 years with at least 8 years of service, or

‘‘(ii) are active participating members of the selected reserve at the time of application, for purposes of section 101(d) of this title, and have not yet reached retirement eligibility; and

‘‘(B) are approved by the Secretary and the institution concerned and who request such employment.

(2) Employment under this subsection shall be subject to the following conditions:

‘‘(A) The Secretary shall pay to the institution an amount equal to one-half of the Department’s prescribed JROTC Instructor Pay Scale amount paid to the member by the institution for any period.

‘‘(B) The Secretary may pay to the institution more than one-half of the amount paid to the member by the institution if (as determined by the Secretary)—

‘‘(i) the institution is in an educationally and economically deprived area; and

‘‘(ii) the Secretary determines that such action is in the national interest.

‘‘(C) Payments by the Secretary concerned under this subsection shall be made from funds appropriated for that purpose.

‘‘(D) The Secretary concerned may require applicants to submit a letter from the Individual Ready Reserve (IRR).’’.

SEC. 563. PRE-SERVICE EDUCATION DEMONSTRATION PROGRAM AUTHORIZED.—(a) PER-SERVICE EDUCATION DEMONSTRATION PROGRAM AUTHORIZED.—The Secretary of each military department may establish and operate a demonstration program to determine the advisability and feasibility of paying all or a portion of the charges of an education institution for the tuition of an individual who is enrolled in such educational institution for a technical or vocational degree, certificate, or certification program to meet a critical need in that military department.

(b) ELIGIBILITY.—The Secretary shall limit eligibility under the program to individuals who—

(1) Must be between the age of 17 and 25.

(2) Must be a category 1 recruit.

(3) Must sign a written agreement concerning the requirements under subsection (c).

(c) DEMONSTRATION PROGRAM REQUIREMENTS.—Under regulations prescribed by the Secretary concerned, each demonstration program created under this section shall adhere to the following requirements:

(1) The educational program authorized under subsection (a) may not exceed a period of 3 years.

(2) Funds may not be provided under the program to an eligible individual unless the individual signs an enlistment contract for active duty military service upon the completion of the educational program for which the funds were provided.

(3) Individuals participating in the demonstration program shall be evaluated annually to ensure continued eligibility for military service.

(4) Individuals participating in the program shall be required to enroll in an on-going service guidance and career counseling program in order to prepare such individuals for military service and ensure their continued fitness and eligibility for service. The course of instruction may be administered by the military department in-person or by the Secretary as the Secretary shall direct. The pre-service instruction shall be concurrent with the degree program authorized pursuant to this section (a).

(5) Individuals who do not maintain eligibility for military service may be required to repay any funds provided by the Secretary concerned under this subsection to the Secretary.

(d) REPORT.—For any demonstration program initiated under this section, the Secretary concerned shall submit an annual report to the Committees on Armed Services of the Congress on the progress of the demonstration program.
the Senate and the House of Representatives that includes—
(1) a description of the demonstration program;
(2) a statement of the goals or anticipated outcomes of the demonstration program;
(3) a description of the method and metrics used to evaluate the effectiveness of this demonstration program; and
(4) any other matters the Secretary concerned determines relevant.
(e) SUNSET.—The authority under this section expires on September 30, 2022.

Subtitle F—Military Family Readiness and Dependents’ Education

SEC. 571. CERTAIN ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEFENDANTS OF MILITARY AND CIVILIAN PERSONNEL.

(a) CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEFENDANTS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.—

(1) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEFENDANT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2023 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-183; 20 U.S.C. 7703b).

(2) LOCAL EDUCATIONAL AGENCY DEFINED.—In this subsection, the term ‘local educational agency’ has the meaning given that term in section 7013(e)(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(e)).

(b) DIRECT AID FOR CHILDREN WITH SEVERE DISABILITIES.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2023 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 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703).

(2) ADDITIONAL AMOUNT.—Of the amount authorized to be appropriated for fiscal year 2023 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, 2023, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the Department’s evaluation of education in a 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. 572. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEFENDANTS OF THE ARMED FORCES WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.

(a) ASSISTANCE AUTHORIZED.—To assist communities in making adjustments resulting from the size or location of the Armed Forces, the Secretary of Defense shall provide financial assistance to an eligible local educational agency described in subsection (b) if, during the period between the end of the school year preceding the fiscal year for which the assistance is authorized and the end of the fiscal year immediately preceding that school year, the local educational agency—

(1) had (as determined by the Secretary of Education in consultation with the Secretary of Education) an overall increase or reduction of—

(A) not less than five percent in the average daily attendance of military dependent students in the schools of the local educational agency; or

(B) not more than 500 military dependent students in average daily attendance in the schools of the local educational agency; or

(2) is projected to have an overall increase, between fiscal years 2022 and 2023, of not less than 500 military dependent students in average daily attendance in the schools of the local educational agency as the result of a signed record of decision.

(b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency is eligible for assistance under subsection (a) for a fiscal year if—

(1) 20 percent or more of students enrolled in schools of the local educational agency are military dependent students; and

(2) the net of the overall increases and reductions in military dependent students in schools of the local educational agency is the result of one or more of the following:

(A) The global rebasing plan of the Department of Defense.

(B) The official creation or activation of one or more new military units.

(C) The realignment of forces as a result of the base closure process.

(D) A change in the number of housing units on a military installation.

(E) A signed record of decision.

(c) CALCULATION OF AMOUNT OF ASSISTANCE.—

(1) PRO RATA DISTRIBUTION.—The amount of the assistance provided under subsection (a) to a local educational agency that is eligible for such assistance for a fiscal year shall be equal to the product obtained by multiplying—

(A) the per-student rate determined under paragraph (2); by

(B) the net of the overall increases and reductions in the number of military dependent students in schools of the local educational agency, as determined under subsection (a).

(2) PER-STUDENT RATE.—For purposes of paragraph (1)(A), the per-student rate for a fiscal year shall be equal to the dollar amount obtained by dividing—

(A) the total amount of funds made available for that fiscal year to provide assistance under subsection (a); by

(B) the sum of the overall increases and reductions in the number of military dependent students in schools of the local educational agency for that fiscal year under that subsection.

(3) MAXIMUM AMOUNT OF ASSISTANCE.—A local educational agency may not receive more than $15,000,000 in assistance under subsection (a) for any fiscal year.

(d) DURATION.—Assistance may not be provided under subsection (a) after September 30, 2023.

(e) NOTIFICATION.—Not later than June 30, 2023, and June 30 of each fiscal year thereafter, the Secretary shall notify each local educational agency that is eligible for assistance under subsection (a) for that fiscal year under that subsection.

(1) the eligibility of the local educational agency for the assistance; and

(2) the amount of the assistance for which the local educational agency is eligible.

(f) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse assistance authorized under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (e) for that fiscal year.

(g) BRIEFING REQUIRED.—Not later than March 1, 2023, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on the estimated cost of providing assistance to local educational agencies under subsection (a) that the Department of Defense expects to incur after the date of enactment of this Act.

(h) FUNDING FOR FISCAL YEAR 2023.—Of the amount authorized to be appropriated by this Act for operation and maintenance for Defense-wide activities $15,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a).

(i) ELIGIBLE USES.—Amounts disbursed to a local education agency under subsection (f) may be used by such local educational agency for—

(1) general fund purposes;

(2) special education;

(3) school maintenance and operation;

(4) school expansion; or

(5) other school construction.

(j) DEFINITIONS.—In this section:

(1) BASE CLOSURE PROCESS.—The term ‘base closure process’ means any base closure realignment conducted after the date of the enactment of this Act under section 2807 of title 10, United States Code, or any other similar law enacted after that date.

(2) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given that term in section 7013(e)(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(e)).

(3) MILITARY DEPENDENT STUDENTS.—The term ‘military dependent students’ means—

(A) elementary and secondary school students who are dependents of members of the Armed Forces; and

(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense.

(4) STATE.—The term ‘State’ means each of the 50 States and the District of Columbia.

(k) PILOT PROGRAM FOR SPECIFIC SCHOOL INCLUSION COORDINATORS FOR DEPARTMENT OF DEFENSE CHILD DEVELOPMENT CENTERS.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of Education, shall carry out a pilot program to hire special education inclusion coordinators at child development centers selected by the Secretary under subsection (b).

(b) SELECTION OF CENTERS.—The Secretary of Defense shall select the child development centers at which the program required by subsection (a) will be carried out based on—

(1) the number of dependent children enrolled in the Exceptional Children’s Educational Program at the military installation on which the center is located;

(2) the number of children with special needs enrolled in the center; and

(3) such other considerations as the Secretary, in consultation with the Secretaries of the military departments, considers appropriate.

(c) FUNCTIONS.—Each special education inclusion coordinator assigned to a child development center under the pilot program shall—

(1) coordinate intervention and inclusion services at the center;
SEC. 574. EXTENSION OF AND REPORT ON PILOT PROGRAM.—Not later than September 30, 2025, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the anticipated costs for the pilot program required by subsection (a) that includes—

(A) the number of special education inclusion coordinators hired under the pilot program;

(B) a description of any issues relating to the retention of those coordinators;

(C) a recommendation with respect to whether the pilot program should be made permanent or expanded to other military installations;

(D) an assessment of the amount of funding required to make the pilot program permanent or expand the pilot program to other military installations, as the Secretary recommends under subparagraph (C).

SEC. 575. DURATION OF PILOT PROGRAM.—The pilot program required by subsection (a) shall—

(1) commence not later than January 1, 2024; and

(2) terminate on December 31, 2026.

SEC. 576. CHILD DEVELOPMENT CENTER DEFINED.—In this section, the term “child development center” has the meaning given that term in section 2871(2) of title 10, United States Code, and includes any entity identified as a child care center or day care center.

SEC. 574. TEMPORARY EXEMPTION FROM END OF SESSION GRADE RESTRICTIONS FOR THE SPACE FORCE.—Sections 3127 and 3129 of title 10, United States Code, shall not apply to the Space Force until January 1, 2024.

SEC. 575. EXTENSION OF AND REPORT ON PILOT PROGRAM TO EXPAND ELIGIBILITY AT DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.—

(a) In general.—Section 590(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 2164 note) is amended by adding at the end the following:

"(2) The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than 180 days after the date of enactment of this Act on the implementation of this subsection, including a description of any issues relating to the retention of those coordinators.".

(b) Report—Not later than December 31, 2024, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the conduct of the pilot program under section 590(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 2164 note) and the national suicide rate for the same period.

(c) Statement of the Secretary—Not later than December 31, 2024, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a statement on the preliminary findings of the review conducted under this subsection.
persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of title 10, United States Code, is amended—

(a) FINDINGS.—The Senate makes the following findings:—

(1) Lieutenant General Frank Maxwell Andrews was born in Nashville, Tennessee, in 1884, and graduated from the United States Military Academy, West Point, in 1906, where he received a commission in the cavalry.

(2) In 1917, Lieutenant General Andrews was transferred to the aviation section of the Army Signal Corps, where he commanded various airfields around the United States, serving in a number of leadership positions, including—

(A) Commander of the Advanced Flying School at Kelly Field in Texas;

(B) Commander of the 1st Pursuit Group at Selfridge Field;

(C) Chief of the Army Air Corps’ Training and Operations Division.

(3) During World War I, Lieutenant General Andrews served as the Air Officer for the Army of Occupation in Germany.

(4) In 1935, Lieutenant General Andrews was selected to command the new General Headquarters Aviation, where he had oversight of all Air Corps units and led the development of the Army Air Force.

(5) In 1939, Lieutenant General Andrews was chosen as Army G5, the Assistant Chief of Staff for Operations and Training, making him responsible for preparing operational plans for the entire Army for the impending war.

(6) During World War II, Lieutenant General Andrews led a number of global critical campaigns, the only general to command 3 theaters of operations during the war, serving as commander of—

(A) the Caribbean Defense Command, which was responsible for defending the United States’ southern borders;

(B) all United States forces in the Middle East, where he helped to defeat Rommel’s Afrika Korps;

(C) all United States troops in the European Theater of Operation, where he succeeded General Dwight D. Eisenhower and oversaw plans for the future invasion of Western Europe.

(7) Lieutenant General Andrews was killed in an B-24 bomber crash during an inspection tour of Iceland.

(8) A number of Lieutenant General Andrews’ colleagues and subordinates have been posthumously promoted to the rank of four-star general for their contributions during World War II.

(9) Lieutenant General Andrews was considered one of General Douglas MacArthur’s “great American aviators” and his strong leadership skills, which empowered future leaders to lead United States ground and air forces to victory during World War II.

(10) Joint Base Andrews, a United States military base previously known as Andrews Air Force Base, was named for Lieutenant General Andrews on February 7, 1945, for his leadership during World War II as General Headquarters and Commanding General of the United States forces in the European Theater of Operations.

(11) Joint Base Andrews, additional military facilities and installations were named after Lieutenant General Andrews for his contribution to the United States forces, including—

(A) Royal Air Force (RAF) Andrews Field, a former RAF station, in England;

(B) Andrews AFB, a major headquarters, supply depot and nuclear loading site for the United States Air Force, due to his efforts to pursue and empower a separate and independent Air Force.

(12) Lieutenant General Andrews was considered one of the founders of the United States Army Air Force, due to his efforts to pursue and empower a separate and independent Air Force.

(13) Lieutenant General Andrews served honorably in the United States military for over 37 years.

(14) Lieutenant General Andrews is considered one of the United States’ key military commanders of World War II.

(b) RECOGNITION OF SERVICE.—The Senate honors and recognizes Lieutenant General Frank Maxwell Andrews for—

(1) his 37 years of loyal service to the United States Army and Army Air Corps;

(2) his heroic leadership during World War I and World War II;

(3) his lasting legacy and selfless sacrifice on behalf of the United States.

SEC. 587. POSTHUMOUS AWARD OF THE ULYSSES S. GRANT MEDAL TO A MEMBER OF THE ARMIES OF THE UNITED STATES.

The President is authorized to appoint Ulysses S. Grant posthumously to the grade of General of the Armies of the United States equivalent to the rank and precedence held by General John J. Pershing pursuant to the Act entitled “An Act Relating to the creation of the office of General of the Armies of the United States”, approved September 3, 1919 (41 Stat. 912), in each of the following circumstances:

(1) his valor referred to in subsection (a) are the acts of valor described in subsection (b).

(2) Major David R. Halbruner for the acts of valor referred to in subsection (a).
“(ii) for each such waiver, an identification of—
“(I) the grade of the member;
“(II) the home port or permanent duty station of the unit to which the member is assigned before the change described in subparagraph (A); and
“(III) the new home port or permanent duty station of that unit.”

“(D) This paragraph shall cease to be effective on December 31, 2027.”

SEC. 603. EXTENSION OF AUTHORITY TO TEMPORARILY ADJUST BASIC ALLOWANCE FOR HOUSING IN CERTAIN AREAS.

Section 495(b)(C) of title 37, United States Code, is amended by striking “2022” and inserting “2024.”

SEC. 604. INCREASE IN INCOME FOR PURPOSES OF ELIGIBILITY FOR BASIC NEEDS ALLOWANCE.

(a) In General.—Section 402(b) of title 37, United States Code, is amended by striking “130 percent” both places it appears and inserting “150 percent”.

(b) Implementation.—Not later than January 1, 2024, the Secretary concerned (as defined in section 101 of title 37, United States Code) shall modify the calculation of the basic needs allowance under section 402b of title 37, United States Code, to implement the amendments made by this section.

SEC. 605. CONFORMING AMENDMENTS TO UPDATES TO REFERENCES TO TRAVEL AND TRANSPORTATION AUTHORITIES.

(a) BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 256(g)(2)(B)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(g)(2)(B)(i)) is amended by striking “sections 403a and 475” and inserting “sections 403b and 405”.

(b) TITLE 5.—Title 5, United States Code, is amended—

(1) in section 4109(a)—

(A) in subparagraph (A), by striking “sections 475 and 476” and inserting “sections 495 and 496”;

(B) in subparagraph (B), by striking “sections 476 and 479” and inserting “sections 496 and 499”;

(2) in section 5725(c)(2)(B), by striking “section 476(b)(1)(H)(iii)” and inserting “section 496(b)”; and

(3) in section 5726—

(A) in subsection (c), by striking “section 481h(b)” and inserting “section 481i(a)”;

(B) in subsection (d)—

(i) in paragraph (1), by striking “section 474(d)” and inserting “section 484(d)”;

(ii) in paragraph (2), by striking “section 484d(1)” and inserting “section 492d(1)”;

(c) TITLE 10.—Title 10, United States Code, is amended—

(1) in section 710—

(A) in subsection (f)(4)(A), in the matter preceding clause (i), by striking “section 474” and inserting “section 492”;

(B) in subsection (h)(4), by striking “section 461f” and inserting “section 484f(5)”;

(2) in section 1135a(b)(2)(B), by striking “sections 474 and 476” and inserting “sections 495 and 497”;

(3) in section 1175j, by striking “sections 474 and 476” and inserting “sections 495 and 497”;

(4) in section 1175a(e)(2)(B), by striking “sections 474 and 476” and inserting “sections 495 and 497”; and

(5) in section 1491(d)(3), by striking “section 495(a)(2)” and inserting “section 495c(2)”;

(6) in section 2013(b)(2)—

(A) in subparagraph (A), by striking “sections 474 and 476” and inserting “sections 495 and 497”;

(B) in subparagraph (B), by striking “sections 474 and 476” and inserting “sections 495 and 497”; and

(7) in section 2493(a)(4)(B)(ii), by striking “section 481(d)” and inserting “section 495(d)”;

(8) in section 2615(g), by striking “section 481h(b)” and inserting “section 481i(a)”;

(9) in section 12505—

(A) in subsection (a), in the second sentence, by striking “sections 206 and 495” and inserting “sections 206 and 496”;

(B) in subsection (b)(2)(A), by striking “section 495” and inserting “section 496”; and

(C) in subsection (c), by striking “section 495” and inserting “section 496”;

(d) TITLE 14.—Section 2164 of title 14, United States Code, is amended, in the first paragraph, by striking “subsection (b)” and inserting “section 476” and inserting “section 453c”;

(e) TITLE 32.—Section 115 of title 32, United States Code, is amended—

(1) in subsection (a), in the third sentence, by striking “sections 206 and 495” and inserting “sections 206 and 496”;

(2) in subsection (b)(2)(A), by striking “section 496” and inserting “section 497”; and

(3) in subsection (c), by striking “sections 474–481” and inserting “section 452”;


(g) TITLE 36.—Section 2160(b)(2) of title 36, United States Code, is amended by striking “section 475” and inserting “section 453”;

(h) TITLE 37.—Title 37, United States Code, is amended—

(1) in section 403—

(A) in subsection (d)(2)(A), by striking “section 476” and inserting “section 496”;

(B) in subsection (g),—

(i) in paragraph (2), in the second sentence, by striking “section 474” and inserting “section 492”; and

(ii) in paragraph (3), by striking “section 476” and inserting “section 496”;

(2) in section 405—

(A) in subsection (b)(2)(A), by striking “section 481” and inserting “section 481i”; and

(B) in subsection (c) last sentence, by striking “subsection 406” and inserting “subsection 409”;

(i) in paragraph (2), by striking “sections 474–481” and inserting “sections 452–461”; and

(ii) in paragraph (3), by striking “section 495” and inserting “section 498”;

(3) in section 423, by striking “section 477” and inserting “section 496”;

(4) in section 424—a(1), by striking “section 478” and inserting “section 497”;

(5) in section 426, by striking “section 479” and inserting “section 498”;

(6) in section 427—

(A) in subsection (a)(1)(A), by striking “section 476” and inserting “section 496”;

(B) in subsection (c)(1), by striking “section 497” and inserting “section 452”;

(7) in section 433(b), by striking “section 476(b)(2)(A)” and inserting “section 492(b)”; and

(8) in section 452(a)(2)(D)—

(A) in clause (i), by striking “section 481f” and inserting “section 484f”;

(B) in clause (ii), by striking “section 481h” and inserting “section 484h(5)”; and

(C) in clause (iii), by striking “section 481l” and inserting “section 484l(5)”; and

(9) in section 5760—

(A) in paragraph (1), by striking “section 474” and inserting “section 452”;

(B) in paragraph (2), by striking “section 475” and inserting “section 453”; and

(C) in paragraph (3), by striking “section 476” and inserting “section 454”; and

(10) in section 1003, by striking “section 403–406B, 474, 477, 481, and 414” and inserting “sections 402 through 403B, 405, 414, 415, and 453”;

(11) in section 1006(g)—

(A) by striking “section 475” and inserting “section 477”;

(B) by striking “December 31, 2022” and inserting “December 31, 2023”;

(C) by striking “December 31, 2023” and inserting “December 31, 2024”;

(D) by striking “December 31, 2022” and inserting “December 31, 2023”; and

(E) by striking “December 31, 2023” and inserting “December 31, 2024”;

(12) in section 1006(h), by striking “December 31, 2022” and inserting “December 31, 2023”; and

(F) by striking “December 31, 2023” and inserting “December 31, 2024”;

(13) in section 1006(i), by striking “December 31, 2022” and inserting “December 31, 2023”; and

(G) by striking “December 31, 2023” and inserting “December 31, 2024”. 

SEC. 613. AUTHORIZATION OF ASSIGNMENT PAY OR SPECIAL PAY BASED ON CLIMATE IN WHICH A MEMBER'S DUTIES ARE PERFORMED.

Section 350(b) of title 37, United States Code, is amended by inserting “climate,” after “location.”.

Subtitle C—Leave

SEC. 621. MODIFICATION OF AUTHORITY TO ALLOW MEMBERS OF THE ARMED FORCES TO ACCUMULATE LEAVE IN EXCESS OF 60 DAYS.

(a) In General.—Section 701(f) of title 10, United States Code, is amended to read as follows:

(2) The Secretary concerned, under uniform regulations to be prescribed by the Secretary of Defense, may authorize a member
described in paragraph (2) who, except for this subsection, would lose at the end of the fiscal year any accumulated leave in excess of the number of days of leave authorized to be accumulated under whose subsection (b), to retain an accumulated total of 90 days leave.

“(2) This subsection applies to a member who—

“(A) serves on active duty for a continuous period of at least 120 days in an area in which the member is entitled to special pay under section 510(a) of title 37.

“(B) is assigned to a deployable ship or mobile unit or to other duty designated for the purpose of this section; or

“(C) serves on active duty in a duty assignment in support of a contingency operation.

“(3) Leave accumulated by a member under this subsection in excess of the number of days of leave authorized under subsection (b) is forfeited unless it is used by the member before the end of the second fiscal year after the fiscal year in which the service or assignment described in paragraph (B) of the member terminated.”.

(b) TRANSITION RULE.—Notwithstanding paragraph (3) of section 701(f) of title 10, United States Code, as amended by subsection (a), leave in excess of 90 days accumulated by a member under section 701(f) of title 10, United States Code, on or before September 30, 2025, or the retention of such leave is authorized under another provision of law.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2023.

SEC. 522. TECHNICAL AMENDMENTS TO LEAVE ENTITLEMENT AND ACCUMULATION.

(a) REPEAL OF OBSOLETE AUTHORITY.—Section 701 of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) through (m) as subsections (d) through (l).

(b) CONFORMING AMENDMENTS TO OTHER PROVISIONS OF LAW.—

(1) TITLE 14.—Section 2508(a) of title 14, United States Code, is amended by striking “section 701(f)(3) and inserting “section 701(e).”

(2) TITLE 37.—Title 37, United States Code, is amended—

(A) in section 501—

(i) in subsection (b)(6), by striking “120 days of leave under section 701(f)(1)” and inserting “90 days of leave under section 701(e);” and

(ii) in subsection (h), by striking “section 701(g) and inserting “section 701(f)”; and

(B) in section 502(b), by striking “section 701(h)” and inserting “section 701(g).”

(c) ESTATES CODE.—The amendments made by this section take effect on January 1, 2023.

SEC. 623. CONVALESCENT LEAVE FOR MEMBERS OF THE RESERVE COMPONENT OF THE ARMED FORCES.

(a) IN GENERAL.—Section 701 of title 10, United States Code, as amended by section 522(a), is further amended by adding at the end the following new subsection:

“(m)(1) Except as provided by subsection (h)(3), and under regulations prescribed by the Secretary of Defense, a member of the armed forces diagnosed with a medical condition is allowed convalescent leave if—

(A) the medical or behavioral health provider determines that the member is not yet fit for duty as a result of that condition; and

(B) issuing such leave would be in the best interest of the Department of the Air Force, as determined by the Secretary; and

(2) to provide for the convalescence of the Air Force for not less than four years after the completion of the active duty service obligation of the officer under section 633 of title 10, United States Code.

(b) TRANSITION RULE.—Notwithstanding section 701 of title 10, United States Code, as amended by subsection (a), the Secretary shall offer retention incentives to a member described in subsection (a) who—

(1) executes a writ of separation; and

(2) remains on active duty in the Air Force Reserve for not less than four years after the completion of the active duty service obligation of the officer under section 633 of title 10, United States Code.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2023.
with respect to premium sharing plans referred to in subsection (d)(1), the following elements:

(A) A third party administrator shall manage the administrative features of such plans, including eligibility, enrollment, plan change and premium payment processes, submission of qualifying life events, and actuarial changes.

(B) Such plans shall include the following three enrollment options:

(i) Self.

(ii) Self plus one.

(iii) Family.

(C) In the United States, to the extent practicable, such eligible territory in which such a plan shall be offered options to enroll in plans of not fewer than four national dental insurance carriers.

(D) To the extent practicable, each carrier described in subparagraph (C)—

(i) shall manage dental care delivery matters, including claims adjudication (with required electronic submission of claims), coordination of benefits, covered services, enrollment verification, and provider networks;

(ii) shall, in addition to offering a standard option plan consistent with the requirements of this section, offer a high option plan that provides more covered services;

(iii) shall develop and implement adult and pediatric dental quality measures, including effective measurements for—

(I) access to care;

(II) continuity of care;

(III) cost;

(IV) adverse patient events;

(V) oral health outcomes; and

(VI) patient experience; and

(v) shall develop and implement adult and pediatric dental quality measures, including effective measurements for—

(I) access to care;

(II) continuity of care;

(III) cost;

(IV) adverse patient events;

(V) oral health outcomes; and

(VI) patient experience;

(B) in paragraph (3), by striking "paragraph (2)(B)" and inserting "paragraph (2)(C)";

(C) in paragraph (4)—

(i) by striking "active duty" each place it appears and inserting "active service"; and

(ii) by striking "active duty" each place it appears and inserting "active service"; and

(D) in paragraph (5), in subparagraphs (A) and (B), by striking "active duty" each place it appears and inserting "active service"; and

(E) in paragraph (7)(A)—

(i) by striking "active duty" and inserting "active service"; and

(ii) by striking "active duty" and inserting "active service"; and

(F) in paragraph (8), by striking "active duty" and inserting "active service".

SEC. 703. CONFIDENTIALITY REQUIREMENTS FOR MENTAL HEALTH CARE SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) TRANSITIONAL HEALTH CARE. — Subsection (a)(2) of section 1145 of title 10, United States Code, is amended by—

(1) in subsection (a), by adding at the end the following new subparagraph:

"(3) The Secretary of Defense shall reduce copayments required to be paid under paragraph (1) in the case of enlisted members in pay grade E-1, E-2, E-3, or E-4;

(3) in subsection (e), by adding at the end the following new paragraph:

"(3) The Secretary of Defense shall reduce copayments required to be paid under paragraph (1) in the case of enlisted members in pay grade E-1, E-2, E-3, or E-4; and

(4) in subsection (j), by striking "plan established under subparagraph (A)" and inserting "standard option plan described in subsection (b)(2)(C)(ii)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2025.

(c) RULE MAKING AUTHORITY.—

(1) IN GENERAL.—In general, the Secretary of Defense shall—

(i) ensure, except in cases in which there are exigent circumstances, confidentiality of mental health care services provided to members who voluntarily seek such services; and

(ii) in cases in which there are exigent circumstances, prevent health care providers from disclosing more than the minimum amount of information necessary to address the exigent circumstances.

(b) ELEMENTS.—The standards required by subsection (a)(2) shall include the following elements:

(1) Requirements for confidentiality regarding the request and receipt by a member of the Armed Forces of mental health care services under the self-initiated referral process under section 1090a(e) of title 10, United States Code.

(2) Requirements for confidentiality regarding the results of any drug testing incident to mental health care services.

(3) Procedures that reflect best practices of the mental health profession with respect to suicide prevention.

(4) Prohibition on retaliating against a member of the Armed Forces who requests mental health care services.

(5) Other elements as the Secretary determines will most effectively support the policies of—

(A) eliminating stigma in obtaining mental health care services; and

(B) encouraging help-seeking behavior by members of the Armed Forces.

(a) DEVELOPMENT OF STANDARDS.—The Secretary of the Army shall, not later than January 1, 2024, develop—

(1) standards for physical health care services providing mental health care services; and

(2) regulations and procedures for the uniform implementation of the Secretary’s mental health care services policies.

(b) E XIGENT CIRCUMSTANCE DEFINED.—In this section, the term "exigent circumstance" means a circumstance in which the Secretary of Defense determines the need to prevent serious harm to individual or essential military functions clearly outweighs the need for confidentiality of information obtained by a health care provider incidental to mental health care services voluntarily sought by a member of the Armed Forces.
(a) IN GENERAL.—Section 714 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 1076d) is amended—
(1) by redesignating subsection (e) as subsection (f); and
(2) by inserting after subsection (d) the following new subsection (e):
"(e) IMPROVEMENT OF SPECIALTY CARE REFERRALS DURING PERMANENT CHANGES OF STATION.—In conducting evaluations and improvements in the permanent change of station process described in subsection (a), the Secretary shall ensure beneficiaries enrolled in TRICARE Prime who are undergoing a permanent change of station across provider network regions are provided with specialty care from their primary care manager to such specialty care providers in the new location as the beneficiary may need before undergoing the permanent change of station."

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the results of the Secretary's study of the effects of the permanent change of station process described in subsection (a), the Secretary's study of the effects of conducting evaluations and improvements in the permanent change of station process described in subsection (a), and the Secretary's study of the potential cost effects to the budget of the Department of Defense of the permanent change of station process described in subsection (a). The briefing shall include a briefing on the methodology and approach of the study conducted under subsection (a). The Secretary shall provide the briefing to the Committees on Armed Services of the Senate and the House of Representatives not later than one year after the date of the enactment of this Act.

(a) STUDY.—The Secretary of Defense may conduct a study on the feasibility, potential cost effects, and consequences of changes in the Department of Defense's process for changing provider networks under the TRICARE program that lead to increased wait times for care for beneficiaries of the Armed Forces and their dependents undergoing permanent changes of station across provider network regions.

(b) SPECIFICATIONS.—If the Secretary conducts the study under subsection (a), the Secretary shall, in the study an assessment of the following:
(1) Cost-sharing to the Department of Defense to support the expansion of TRICARE Reserve Select and the TRICARE dental program from—
(A) health benefit plans under chapter 89 of title 38, United States Code;
(B) employer-sponsored health insurance;
(C) private health insurance;
(D) insurance under a State health care exchange; and
(E) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).
(2) New costs for the Department of Defense to enroll beneficiaries in TRICARE Reserve Select and the TRICARE dental program for all members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces who were previously uninsured.
(3) The resources needed to implement TRICARE Reserve Select and the TRICARE dental program for all such members, their dependents, and their non-dependent children under the age of 26.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall include in the study an assessment of the following:
(1) TRICARE dental program—The term "TRICARE dental program" means dental benefits under section 1076a of title 10, United States Code.
(2) TRICARE Reserve Select—The term "TRICARE Reserve Select" means health benefits under section 1076d of such title.

Subtitle B—Health Care Administration

SEC. 721. IMPROVEMENTS TO ORGANIZATION OF MILITARY HEALTH SYSTEM.

(a) FRASIBILITY STUDY FOR SUPERSEEDING ORGANIZATION FOR DEFENSE HEALTH AGENCY.—
(1) STUDY AND REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense (referred to in this section as the "Secretary") shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on a study conducted by the Secretary to determine the feasibility of establishing a defense health and medical readiness command (referred to in this section as the "command") to carry out the functions and responsibilities necessary for purposes of the report to support the readiness of the Armed Forces.

(b) E STABLISHMENT OF MILITARY HEALTH SYSTEM EDUCATION AND TRAINING DIRECTORATE.—
(1) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to establish within the Defense Health Agency a subordinate command, to be called the Military Health System Education and Training Directorate (referred to in this subsection as the "Directorate") to carry out the requirements of this section.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:
(A) A description of the responsibilities of the commander of the command.
(B) A description of the organizational structure of the command, including any subordinate commands.
(C) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(D) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(E) A description of the organizational structure of the command.
(F) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(G) A description of the location or locations of the command.

(H) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(I) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(J) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(K) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(L) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(M) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(N) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(O) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(P) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(Q) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(R) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(S) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(T) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(U) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(V) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(W) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(X) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(Y) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(Z) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(a) IN GENERAL.—Not later than one year after the submission of the plan required under paragraph (1), the Secretary shall establish the Directorate within the Defense Health Agency.
SEC. 724. MODIFICATION OF REQUIREMENT TO PROVIDE MEDICAL CARE TO FUTURE DEPARTMENT OF DEFENSE PERSONNEL.

SEC. 725. ESTABLISHMENT OF MILITARY HEALTH SYSTEM MEDICAL LOGISTICS DIRECTORATE.

SEC. 726. ESTABLISHMENT OF CENTERS OF EXCELLENCE FOR SPECIALTY CARE IN THE MILITARY HEALTH SYSTEM.

(a) CENTERS OF EXCELLENCE.—

(b)タイプof交渉対象者or the Department and the medical readiness of the Armed Forces.

(c) Improve qualifying the quality of health care received by eligible beneficiaries from the Department.

(D) Improve health outcomes for eligible beneficiaries.

(b) Types of Centers of Excellence.—

(1) アクセスへの物理障害of Centers of Excellence.—

(2) Satellite Centers.—

The Secretary may establish satellite centers of excellence to provide specialty care for certain conditions, such as—

(A) Post-traumatic stress.

(B) Traumatic brain injury.

(C) Such other conditions as the Secretary considers appropriate.

SEC. 727. IMPROVEMENT OF CARE.—

Centers of excellence established under this subsection shall—

(A) Ensure the military medical force readiness of the Department and the medical readiness of the Armed Forces.

(B) Improve the quality of health care received by eligible beneficiaries from the Department.

(C) Improve health outcomes for eligible beneficiaries.

(b) Types of Centers of Excellence.—

(1) GENERAL.—

The Secretary shall establish centers of excellence for the following areas of specialty care:

(A) Oncology.

(B) Burn injuries and wound care.

(C) Rehabilitation medicine.

(D) Psychosocial health and traumatic brain injury.

(E) Amputations and prosthetics.

(F) Neurosurgery.

(G) Orthopedic care.

(H) Substance abuse.

(1) Transplants.

(J) Cardiothoracic surgery.

(K) Such other areas of specialty care as the Secretary considers appropriate to ensure the military medical force readiness of the Department and the medical readiness of the Armed Forces.

SEC. 728. ESTABLISHMENT OF CENTERS OF EXCELLENCE FOR SPECIALTY CARE IN THE MILITARY HEALTH SYSTEM.

(a) Centers of Excellence.—

(b) Types of Centers of Excellence.—

(1) General.—

The Secretary shall establish centers of excellence for the following areas of specialty care:

(A) Oncology.

(B) Burn injuries and wound care.

(C) Rehabilitation medicine.

(D) Psychosocial health and traumatic brain injury.

(E) Amputations and prosthetics.

(F) Neurosurgery.

(G) Orthopedic care.

(H) Substance abuse.

(1) Transplants.

(J) Cardiothoracic surgery.

(K) Such other areas of specialty care as the Secretary considers appropriate to ensure the military medical force readiness of the Department and the medical readiness of the Armed Forces.

 SEC. 729. MODIFICATION OF REQUIREMENT TO PROVIDE MEDICAL CARE TO FUTURE DEPARTMENT OF DEFENSE PERSONNEL.

The Secretary shall establish satellite centers of excellence to provide specialty care for certain conditions, such as—

(A) Post-traumatic stress.

(B) Traumatic brain injury.

(C) Such other conditions as the Secretary considers appropriate.

SEC. 730. IMPROVEMENT OF CARE.—

Centers of excellence established under this subsection shall—

(A) Ensure the military medical force readiness of the Department and the medical readiness of the Armed Forces.

(B) Improve the quality of health care received by eligible beneficiaries from the Department.

(C) Improve health outcomes for eligible beneficiaries.

(b) Types of Centers of Excellence.—

(1) General.—

The Secretary shall establish centers of excellence for the following areas of specialty care:

(A) Oncology.

(B) Burn injuries and wound care.

(C) Rehabilitation medicine.

(D) Psychosocial health and traumatic brain injury.

(E) Amputations and prosthetics.

(F) Neurosurgery.

(G) Orthopedic care.

(H) Substance abuse.

(1) Transplants.

(J) Cardiothoracic surgery.

(K) Such other areas of specialty care as the Secretary considers appropriate to ensure the military medical force readiness of the Department and the medical readiness of the Armed Forces.
(C) A description of how each such center will improve—
   (i) the military medical force readiness of the Department and the medical readiness of the Armed Forces;
   (ii) the quality of care received by eligible beneficiaries; and
   (iii) the health outcomes of eligible beneficiaries.

(D) A comprehensive plan to refer eligible beneficiaries for specialty care services at centers of excellence established under this section and centers of excellence in the private sector.

(E) A plan to assist eligible beneficiaries with travel and lodging, if necessary, in connection with specialty care services at centers of excellence established under this section or centers of excellence in the private sector.

(F) A plan to ensure transfer specialty care providers of the Department to centers of excellence established under this section, in a number as determined by the Secretary to be required to provide specialty care services to eligible beneficiaries at such centers.

(G) A plan to monitor access to care, beneficiary satisfaction, experience of care, and clinical outcomes of specialty care services at centers of excellence established under this section or centers of excellence in the private sector.

(2) by redesigning subsection (d) as follows:

(a) IN GENERAL.—Commencing not later than January 1, 2024—

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

(1) A requirement that determination of fitness for duty under chapter 61 of title 10, United States Code, of a member of the Armed Forces falls under the jurisdiction of the Secretary of the military department concerned.

(2) A requirement that medical evaluation provided under the authority of the Defense Health Agency shall—

(A) comply with applicable law and regulations of the Department of Defense; and

(B) be considered by the Secretary of the military department concerned in determining fitness for duty under chapter 61 of such title.

(c) CLARIFICATION OF RESPONSIBILITIES REGARDING MEDICAL EVALUATION BOARDS.—Section 1073 of title 10, United States Code, is amended by adding—

(1) in subsection (b), by striking the definition of "eligible beneficiary" as in effect under chapter 55 of title 10, United States Code;

(2) in subsection (d)(3), by striking the definition of "nonmilitary employee" as in effect under chapter 55 of title 10, United States Code; and

(3) by inserting the following:

(4) "Clark.—The Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives not later than 90 days prior to the establishment of a center of excellence under this section.

(f) ELIGIBLE BENEFICIARY DEFINED.—In this section, the term "eligible beneficiary" means a beneficiary as defined under chapter 55 of title 10, United States Code.

SEC. 727. REQUIREMENT TO ESTABLISH ACADEMIC HEALTH SYSTEM.

Section 257 of title 10, United States Code, is amended by striking "may" and inserting "shall".

SEC. 728. ADHERENCE TO POLICIES RELATING TO MILD TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall—

(1) direct the Secretary of the Navy and the Secretary of the Air Force to address inconsistencies between the policies of the Department of Defense, the Department of the Navy, and the Department of the Air Force relating to the employment of members of the Armed Forces on the identification of symptoms of mild traumatic brain injury in deployed locations; and

(2) ensure the Secretary of each military department routinely monitors the adherence of members of the Armed Forces under the jurisdiction of such Secretary to policies of the Secretary relating to post-traumatic stress disorder and traumatic brain injury, including policies related to—

(A) screening certain members of the Armed Forces for post-traumatic stress disorder and traumatic brain injury prior to any separation of such a member from the Armed Forces for misconduct; and

(B) providing counseling to members of the Armed Forces during the process of such separation regarding services and benefits that may be provided by the Department of Veterans Affairs to members after such separation.

SEC. 729. POLICY ON ACCOUNTABILITY FOR PERSONS UNDERGOING DISABILITY EVALUATION.

(a) IN GENERAL.—Not later than April 1, 2023, the Secretary of Defense shall establish a policy to ensure accountability for actions taken under the authorities of the Defense Health Agency and the military departments concerning wounded, ill, and injured members of the Armed Forces during the integrated disability evaluation system process of the Department of Defense.

(b) ELEMENTS.—The policy required by subsection (a) shall include—

(1) a requirement that determination of fitness for duty under chapter 61 of title 10, United States Code, of a member of the Armed Forces falls under the jurisdiction of the Secretary of the military department concerned.

(2) A requirement that medical evaluation provided under the authority of the Defense Health Agency shall—

(A) comply with applicable law and regulations of the Department of Defense; and

(B) be considered by the Secretary of the military department concerned in determining fitness for duty under chapter 61 of such title.

(c) CLARIFICATION OF RESPONSIBILITIES REGARDING MEDICAL EVALUATION BOARDS.—Section 1073 of title 10, United States Code, is amended by adding—

(1) in subsection (b), by striking the definition of "eligible beneficiary" as in effect under chapter 55 of title 10, United States Code;

(2) in subsection (d)(3), by striking the definition of "nonmilitary employee" as in effect under chapter 55 of title 10, United States Code; and

(3) by inserting the following:

(d) ELEMENTS.—The policy required by subsection (a) shall include the following:

(1) A requirement that determination of fitness for duty under chapter 61 of title 10, United States Code, of a member of the Armed Forces falls under the jurisdiction of the Secretary of the military department concerned.

(2) A requirement that medical evaluation provided under the authority of the Defense Health Agency shall—

(A) comply with applicable law and regulations of the Department of Defense; and

(B) be considered by the Secretary of the military department concerned in determining fitness for duty under chapter 61 of such title.

 SEC. 743. AUTHORIZATION OF PERMANENT PROGRAM TO IMPROVE OPIOID MANAGEMENT IN THE MILITARY HEALTH SYSTEM.


(1) in subsection (a)(1), by striking ‘‘Beginning not’’ and inserting ‘‘Except as provided in subsection (e), beginning not’’;

(2) by redesigning subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e):

(e) ALTERNATIVE INITIATIVE TO IMPROVE OPIOID MANAGEMENT.—As an alternative to the pilot program under this section, the Director of the Defense Health Agency, not later than January 1, 2023—

(i) may implement a permanent program to improve opioid management for beneficiaries under the TRICARE program; and

(ii) if the Director decides to implement such a permanent program, shall submit to the Committees on Armed Services of the Senate and the House of Representatives the specifications of such program and reasons for implementing such program.

SEC. 744. CLARIFICATION OF MEMBERSHIP REQUIREMENTS AND COMPENSATION AUTHORITY OF TERRORIST AND INDEPENDENT SUICIDE PREVENTION AND RESPONSE REVIEW COMMITTEE.

Section 738 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1801) is amended—

(1) in subsection (b)(3), by inserting ‘‘except for a former member of an Armed Force’’ after ‘‘Armed Force’’;

(2) by redesigning subsections (f) through (h) as subsections (g) through (i), respectively; and

(3) by inserting after subsection (e) the following new subsection (f):

(f) COMPENSATION.—

(1) IN GENERAL.—The Secretary may compensate members of the committee established under subsection (a) for the work of such members for the committee.

(2) TREATMENT OF COMPENSATION.—A member of the committee established under subsection (a) who receives compensation under paragraph (1) shall be considered a civilian employee of the Department of Defense for purposes of section 718(a).

SEC. 745. TERMINATION OF VETERANS ADVISORY BOARD ON RADIATION DOSE RECONSTRUCTION.

Section 601 of the Veterans Benefit Act of 2003 (Public Law 108–183; 38 U.S.C. 1154 note) is amended—

(1) in subsection (b), by striking ‘‘, including the establishment of the advisory board required by subsection (c)’’; and

(2) by striking subsection (c).

SEC. 746. SCHOLARSHIP-FOR-SERVICE PILOT PROGRAM FOR CIVILIAN BEHAVIORAL HEALTH PROFESSIONALS.

(a) IN GENERAL.—Commencing not later than two years after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program under which—

(1) the Secretary may provide—

(A) scholarships to cover tuition and related fees at an institution of higher education to an individual enrolled in a program of study leading to a graduate degree in clinical psychology, social work, counseling, or a related field (as determined by the Secretary); and

(B) student loan repayment assistance to a credentialed behavioral health provider who has a graduate degree in clinical psychology, social work, counseling, or a related field (as determined by the Secretary); and

(b) in subsection (3), by striking ‘‘, including the establishment of the advisory board required by subsection (c)’’; and

(c) by striking subsection (c).

SEC. 747. THREE-YEAR EXTENSION OF AUTHORITY TO CONTINUE DOD-VA HEALTH CARE SHARING INCENTIVE FUND.

Section 8111(d)(3) of title 38, United States Code, is amended by striking ‘‘September 30, 2023’’ and inserting ‘‘September 30, 2026’’.

SEC. 748. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.

Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2567), as most recently amended by section 715 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–136), is amended by striking ‘‘September 30, 2023’’ and inserting ‘‘September 30, 2024’’.

SEC. 749. REPEAL.
(2) in exchange for such assistance, the recipient shall commit to work as a covered civilian behavioral health provider in the direct care component of the military health system, in accordance with subsection (c).

(b) DURATION.—The Secretary of Defense shall carry out the pilot program under subsection (a) during the 10-year period beginning on the commencement of the pilot program.

(c) POST-AWARD EMPLOYMENT OBLIGATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), as a condition of receiving assistance under subsection (a), the recipient of such assistance under an agreement entered into pursuant to subsection (c) shall repay to the Secretary of Defense pursuant to which the recipient agrees to work on a full-time basis as a covered civilian behavioral health provider in the direct care component of the military health system for a period that is at least equivalent to the period during which the recipient received assistance under such paragraph.

(2) OTHER TERMS AND CONDITIONS.—An agreement entered into pursuant to paragraph (1) may include such other terms and conditions as the Secretary of Defense may determine necessary to protect the interests of the United States or otherwise appropriate for purposes of this section, including terms and conditions providing for limited exceptions from the post-award employment obligation specified in such subparagraph.

(d) REPAYMENT.—

(1) IN GENERAL.—An individual who receives assistance under subsection (a) and does not complete the employment obligation required under the agreement entered into pursuant to subsection (c) shall repay to the Secretary of Defense a prorated portion of the financial assistance received by the individual under subsection (a) and into pursuant to subsection (c) shall repay to the Secretary of Defense a prorated portion of the financial assistance received by the individual under subsection (a) and

(2) DETERMINATION OF AMOUNT.—The amount of any repayment required under paragraph (1) shall be determined by the Secretary.

(e) IMPLEMENTATION PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for the implementation of this section.

[f] REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the pilot program under subsection (a), the following:

(A) The number of students receiving scholarships under the pilot program.

(B) The locations of such students.

(C) The amount of total scholarship money expended per academic school year under the pilot program.

(D) The average scholarship amount per student under the pilot program.

(E) The number of students hired as behavioral health providers by the Department of Defense under the pilot program.

(F) Any mechanisms for terminating the pilot program, extending the pilot program, or making the pilot program permanent.

(2) DEFINITIONS.—In this section:

(BEHAVIORAL HEALTH.—The term "behavioral health" includes psychiatry, clinical psychology, social work, counseling, and related fields.

(CIVILIAN BEHAVIORAL HEALTH PROVIDER.—The term "civilian behavioral health provider" means a behavioral health provider who is a civilian employee of the Department of Defense.

(COVERED CIVILIAN BEHAVIORAL HEALTH PROVIDER.—A covered civilian behavioral health provider means a civilian behavioral health provider whose employment by the Secretary of Defense involves the provision of behavioral health services at a military medical treatment facility.

(INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

SEC. 747. EXPANSION OF EXTRANATIONAL INDIVIDUALS RECEIVING CARE AT MILITARY MEDICAL TREATMENT FACILITIES.


(1) in subsection (a), by inserting "including coverage of such providers at military medical treatment facilities" before the period at the end;

(2) in subsection (b), by striking "covered beneficiaries" and inserting "covered individuals";

(3) in subsection (f)(2), by striking "covered beneficiaries" each place it appears and inserting "covered individuals"; and

(4) in subsection (g)(1), by amending paragraph (1) to read as follows:

(1) The term "covered individual" means a beneficiary of chapter 55 of title 10, United States Code."; and

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

(3) The term "TRICARE program" has the meaning given that term in section 1072 of title 10, United States Code.".

SEC. 748. AUTHORITY TO CARRY OUT STUDIES AND DEMONSTRATION PROJECTS RELATING TO DELIVERY OF HEALTH AND MEDICAL CARE THROUGH USE OF OTHER TRANSACTION AUTHORITY.

(A) IN GENERAL.—Section 1092(b) of title 10, United States Code, is amended by inserting in the first place "or transactions (other than contracts, cooperative agreements, and grants)" after "contracts".

(B) BURRING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on how the Secretary intends to use the authority to enter into transactions under section 1092(b) of title 10, United States Code, as amended by subsection (a).

SEC. 749. CAPABILITY ASSESSMENT AND ACTION PLAN WITH EFFECT TO EXPOSURE TO OPEN BURN PITS AND OTHER ENVIRONMENTAL HAZARDS.

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) conduct a capability assessment of potential improvements to activities of the Department of Defense to strengthen the effects of environmental exposures with respect to members of the Armed Forces; and

(2) develop an action plan to implement such improvements assessed under paragraph (1) as the Secretary considers appropriate.

(B) ELEMENTS.—The capability assessment required by subsection (a)(1) shall include the following:

(1) With respect to the conduct of periodic health assessments, the following:

(A) An assessment of the feasibility and advisability of adding additional screening questions relating to environmental and occupational exposures to current health assessments conducted by the Department of Defense, including pre- and post-deployment assessments and pre-separation assessments.

(B) An assessment of the feasibility and advisability of performing periodic biology tests and adding a minimum of one expression value test, and a test for the early detection of environmental exposures.

(C) An assessment of the feasibility and advisability of adding additional screening questions relating to environmental and occupational exposures to current health assessments conducted by the Department of Defense, including pre- and post-deployment assessments and pre-separation assessments.

(D) An assessment of the potential value and feasibility of regularly requiring spirometry or other pulmonary function testing pre- and post-deployment for all members, or selected members, of the Armed Forces.

(2) With respect to the conduct of outreach and education, the following:

(A) An evaluation of clinician training on the health effects of airborne hazards and how to document exposure information in health records maintained by the Department of Defense and the Department of Veterans Affairs.

(B) An assessment of the adequacy of current actions by the Secretary of Defense and the Secretary of Veterans Affairs to increase awareness among members of the Armed Forces and veterans of the purposes and uses of the Airborne Hazards and Open Burn Pit Registry and the effect of a potential reorganization of that individual to make it more available to individuals meeting applicable enrollment criteria be automatically enrolled in the registry unless they opt out of enrollment.

(C) An assessment of operational plans for deployment with respect to the adequacy of educational activities for and evaluations of performance of command authorities, medical personnel, and members of the Armed Forces on deployment on anticipated environmental exposures and potential means to minimize and mitigate any adverse health effects if such exposures, including the use of monitoring, protective equipment, and medical responses.

(D) An assessment of potential means to improve the education of health care providers of the Department of Defense with respect to the diagnosis and treatment of health conditions associated with environmental exposures.

(3) With respect to monitoring of exposure during deployment operations, the following:

(A) An evaluation of potential means to strengthen tactics, techniques, and procedures used in deployment operations to document—

(i) specific locations where members of the Armed Forces served;

(ii) environmental exposures in such locations; and

(iii) any munitions involved during such service in such locations.

(B) An assessment of potential improvements in the acquisition and use of wearable monitoring technology and remote sensing capabilities to record environmental exposures by geographic location.

(C) An analysis of the potential value and feasibility of maintaining a repository of forensic samples from members of the Armed Forces on deployment on anticipated environmental exposures for later testing as needed when concerns relating to environmental exposures are identified.

(D) An assessment of potential changes in the use of the Individual Longitudinal Exposure Record (referred to in this paragraph as "ILER"), the following:

(i) the progress toward making ILER operationally capable and accessible to members of the Armed Forces and veterans by 2023; and

(ii) the integration of ILER data with the electronic health records of the Department of Defense.
of Defense and the Department of Veterans Affairs.

(C) An assessment of the feasibility and advisability of making ILIER data accessible to the surviving family members of members of the Armed Forces and veterans.

(5) With respect to the conduct of research, the following:

(A) An assessment of the potential use of the Airborne Hazards and Open Burn Pit Registry for research on monitoring and identifying the health consequences of exposure to open burn pits and effective treatments for such health effects.

(B) An analysis of options for increasing the amount and the relevance of additional research into the health effects of open burn pits and effective treatments for such health effects.

(C) An evaluation of potential research of biomarker monitoring to document environmental exposures during deployment or throughout the military career of a member of the Armed Forces.

(D) An analysis of potential organizational strengthening with respect to the management of research on environmental exposure hazards, including the establishment of a joint program executive office for such management.

(E) An assessment of the findings and recommendations of the 2020 report entitled “Respiratory Health Effects of Airborne Hazards and Open Burn Pits” by the National Academies of Science, Engineering, and Medicine.

(F) An evaluation of such other matters as the Secretary determines appropriate to ensure a comprehensive review of activities relating to the effects of exposure to open burn pits and environmental hazards.

(c) SUBMISSION OF PLAN AND REPORT.—Not later than 240 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives:

(1) the action plan required by subsection (a)(2); and

(2) a report on the results of the capability assessment required by subsection (a)(1).

(d) DEFINITIONS.—In this section:


(B) ENVIRONMENTAL EXPOSURES.—The term “environmental exposures” means exposure to open burn pits and other environmental hazards as the Secretary determines.

(C) OPEN BURN PIT.—The term “open burn pit” has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

SEC. 750. INDEPENDENT ANALYSIS OF DEPARTMENT OF DEFENSE COMPREHENSIVE AUTISM CARE DEMONSTRATION PROGRAM.

Section 737 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1800) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by inserting “broadly” after “disorder”;

and

(ii) by striking “demonstration project” and inserting “demonstration program”;

(B) in subparagraph (B), by striking “demonstration project” and inserting “demonstration program”; and

(C) in paragraph (C), by inserting “mental involvement in applied behavioral analysis treatment, and” after “including”;

(D) in subparagraph (D), by striking “for an individual who has” and inserting “, including mental health outcomes, for individuals who have”;

(E) in paragraph (E), by inserting “since its inception” after “demonstration program”;

(F) in subparagraph (F), by inserting “cost effective, evidence-based, and clinical” after “measure the”; and

(G) in subparagraph (G), by inserting “than in the general population” after “families”;

and

(ii) by redesigning subparagraph (H) as subparagraph (I); and

(i) by inserting after subparagraph (G) the following new subparagraph (H): “(H) An analysis of whether the diagnosis and treatment of autism is higher among the children of military families than in the general population.”; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking “nine” and inserting “31”.

SEC. 751. REPORT ON SUICIDE PREVENTION REFORMS FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than March 1, 2025, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of implementing the following reforms related to suicide prevention among members of the Armed Forces:

(1) Eliminating mental health history as a disqualifier for service in the Armed Forces, including eliminating restrictions related to mental health history that are specific to military occupational specialties.

(2) Requiring comprehensive in-person annual mental health assessments of members of the Armed Forces.

(3) Requiring military health providers under the TRICARE program, including providers contracted through such program, to undergo evidence-based suicide-specific training.

(4) Requiring leaders at all levels of the Armed Forces to be trained on the following:

(A) Total wellness.

(B) Suicide warning signs and risk factors.

(C) Evidence-based suicide-specific interventions.

(D) Effectively communicating with military and behavioral health providers.

(E) Communicating with family members, including extended family members who are not co-located with a member of the Armed Forces, the Secretary, or the Secretary’s designee, for members of the Armed Forces and their dependents.

(5) Requiring mandatory referral to War-riors in Transition programs or transitional programs for members of the Armed Forces who are eligible for such programs.

(b) DEFINITIONS.—In this section:

(A) TRICARE PROGRAM.—The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

(B) WARRIORS IN TRANSITION PROGRAM.—The term “Warriors in Transition program” has the meaning given that term in section 738(e) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–250; 10 U.S.C. 1071 note).

SEC. 752. REPORT ON BEHAVIORAL HEALTH WORKFORCE AND PLAN TO ADDRESS SHORTFALLS IN PROVIDERS.

(a) REPORT ON BEHAVIORAL HEALTH WORKFORCE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct an analysis of the behavioral health workforce under the TRICARE program and the respective components of the military health system and submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of such analysis.

(b) ELEMENTS.—The report required under paragraph (1) shall include, with respect to each position specified in such paragraph:

(1) The number of positions authorized for military behavioral health providers within such workforce, and the number of such positions filled, disaggregated by the professions described in paragraph (3).

(2) The number of positions authorized for civilian behavioral health providers within such workforce, and the number of such positions filled, disaggregated by the professions described in paragraph (3).

(3) For each military department, the ratio of military behavioral health providers assigned to military medical treatment facilities compared to civilian behavioral health providers so assigned, disaggregated by the professions described in paragraph (3).

(4) Data on the historical demand for behavioral health services by members of the Armed Forces.

(F) An estimate of the number of health care providers necessary to meet the demand by such members for behavioral health services under the direct care component of the military health system, disaggregated by provider type.

(G) An identification of any shortfall between the estimated number under subparagraph (F) and the total number of positions for behavioral health providers filled within such workforce.

(H) Such other information as the Secretary may determine appropriate.

(3) PROVIDER TYPES.—The professions described in this paragraph are as follows:

(A) Clinical psychologists.

(B) Social workers.

(C) Counselors.

(D) Such other professions as the Secretary may determine appropriate.

(b) PLAN TO ADDRESS SHORTFALLS IN BEHAVIORAL HEALTH WORKFORCE.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to address any shortfall of the behavioral health workforce identified under subsection (a)(2)(G).

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) address, with respect to any shortfall of military behavioral health providers and described separately with respect to each profession assigned to military medical treatment facilities and such providers assigned to be embedded within operational units—

(i) recruitment;

(ii) accession;

(iii) retention;

(iv) special pay and other aspects of compensation;

(v) workload;

(vi) the role of the Uniformed Services University of the Health Sciences and the Armed Forces Health Professions Scholarship Program under chapter 105 of title 10, United States Code;

(vii) any additional authorities or resources necessary for the Secretary to increase the number of such providers; and

(viii) such other considerations as the Secretary may determine appropriate.

(B) address, with respect to any shortfall of civilian behavioral health providers—

(i) recruitment;
(ii) hiring;
(iii) retention;
(iv) pay and benefits;
(v) workload;
(vi) educational scholarship programs;
(vii) any additional authorities or resources necessary for the Secretary to increase the number of such providers; and
(viii) considerations as the Secretary may consider appropriate;
(C) recommend whether the number of military behavioral health providers in each military department should be increased, and if so, by how many;
(D) include a plan to expand access to behavioral health services under the military health system through the use of telehealth;
(E) include a plan by each military department to allocate additional uniformed mental health providers in military medical treatment facilities at remote installations; and
(F) assess the feasibility of hiring civilian mental health providers at remote installations to augment the provision of mental health care services by uniformed mental health providers.

Definitions.—In this section:
(1) BEHAVIORAL HEALTH.—The term “behavioral health” includes psychiatry, clinical psychology, social work, counseling, and related fields.
(2) CIVILIAN BEHAVIORAL HEALTH PROVIDER.—The term “civilian behavioral health provider” means a behavioral health provider who is a civilian employee of the Department of Defense.
(3) MILITARY BEHAVIORAL HEALTH PROVIDER.—The term “military behavioral health provider” means a behavioral health provider who is a member of the Armed Forces.
(4) UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.—The term “Uniformed Services University of the Health Sciences,” means the university established under section 2112 of title 10, United States Code.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. MODIFICATIONS TO MIDDLE TIER ACQUISITION AUTHORITY FOR FISCAL YEAR 2016.

Section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 321 note prec.) is amended by adding at the end the following new subsection:
“(e) ACQUISITION PLANNING.—Within one year of a program being designated as either a rapid prototyping or rapid fielding program, as defined by this section, the component acquisition executive concerned shall approve an acquisition plan that includes—

(1) potential transition pathways or pathways to an existing or planned program, as defined by this section, the component acquisition executive concerned shall allocate additional uniformed mental health providers in military medical treatment facilities at remote installations; and
(2) the potential transition pathways or pathways to an existing or planned program, as defined by this section, the component acquisition executive concerned shall allocate additional uniformed mental health providers in military medical treatment facilities at remote installations; and
(3) a test plan to verify desired performance goals.”.

SEC. 802. EXTENSION OF DEFENSE MODERNIZATION ACCOUNT AUTHORITY.


SEC. 803. PROHIBITION ON CERTAIN PROCUREMENT ACTIONS IN SUPPORT OF MENTAL HEALTH SERVICES.

(a) PROHIBITION ON PROCUREMENT.—The Secretary of Defense may not enter into, extend, renew, or modify any contract to provide any major defense acquisition program that contains covered items.

(b) CERTIFICATION REQUIRED.—The Secretary of Defense shall include in any solicitation for contract proposals, extensions, or renewals a requirement for prime contractors to certify with the submission of the proposal—

(1) that such item is not covered under the Secretary’s list of covered items or an item the Secretary determines is not covered;
(2) that the item was manufactured in compliance with the requirements of the Foreign Military Sales Act; and
(3) that such item is not covered under the Secretary’s list of covered items or an item the Secretary determines is not covered.

(c) WAIVER Authority.—The Secretary may, on a one-time, basis, waive the requirements under paragraph (a) with respect to a prime contractor that requests such a waiver. The Secretary may grant such a waiver only if the Secretary finds that such a waiver is necessary to best serve the national interest.

(d) EFFECTIVE DATE.—Subsections (a), (b), and (c) shall take effect one year after the date of enactment of this Act.

(e) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue rules to implement this section.

Definitions.—In this section:
(1) COVERED FOREIGN COUNTRY.—The term “covered foreign country” means the People’s Republic of China.
(2) COVERED ITEMS.—The term “covered item” means an item produced or provided by an entity—

(A) owned or controlled by the government of a covered foreign country; or
(B) where the place of performance is in a covered foreign country.
(3) MAJOR DEFENSE ACQUISITION PROGRAM.—The term “major defense acquisition program” has the meaning given the term in section 101(f) of title 10, United States Code.

SEC. 804. REVISION OF AUTHORITY FOR PROCEDURES TO ALLOW RAPID ACQUISITION AND DEPLOYMENT OF CAPABILITIES NEEDED UNDER SPECIFIED HIGH-PRIORITY CIRCUMSTANCES.

(a) REVISION AND CODIFICATION OF RAPID ACQUISITION AUTHORITY.—After 253 of part V of title 10, United States Code, is amended to read as follows:

“CHAPTER 253—RAPID ACQUISITION PROCEDURES

“Sec. 3601. Procedures for urgent acquisition and deployment of capability needed in response to urgent operational needs or vital national security interest.

“§3601. Procedures for urgent acquisition and deployment of capability needed in response to urgent operational needs or vital national security interest.

“(a) PROCEDURES.—

(1) IN GENERAL.—The Secretary of Defense shall prescribe procedures for the urgent acquisition and deployment of capability needed in response to urgent operational needs or vital national security interest.

(2) DETERMINATION OF NEED FOR URGENT ACQUISITION AND DEPLOYMENT.—(A) In the case of any capability that, as determined in writing by the Secretary of Defense, is urgently needed to eliminate a documented deficiency that has resulted in combat casualties, or is likely to result in combat casualties, the Secretary shall prescribe procedures under this section in order to accomplish the urgent acquisition and deployment of the needed capability.

(B) In the case of any capability that, as determined in writing by the Secretary of Defense, is urgently needed to eliminate a documented deficiency that has resulted in combat casualties, or is likely to result in combat casualties, the Secretary shall prescribe procedures under this section in order to accomplish the urgent acquisition and deployment of the needed capability.

(3) A process for determining the disposition of a capability, including termination (demilitarization or disposal), continued sustainment, or transition to a program of record.

(4) Specific procedures in accordance with the guidance developed under section 804(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 321 prec.).

(c) RESPONSE TO COMBAT EMERGENCIES AND OTHER URGENT OPERATIONAL NEEDS.—

(1) DETERMINATION OF NEED FOR URGENT ACQUISITION AND DEPLOYMENT.—(A) In the case of any capability that, as determined in writing by the Secretary of Defense, is urgently needed to eliminate a documented deficiency that has resulted in combat casualties, or is likely to result in combat casualties, the Secretary shall prescribe procedures under this section in order to accomplish the urgent acquisition and deployment of the needed capability.

(B) In the case of any capability that, as determined in writing by the Secretary of Defense, is urgently needed to eliminate a documented deficiency that has resulted in combat casualties, or is likely to result in combat casualties, the Secretary shall prescribe procedures under this section in order to accomplish the urgent acquisition and deployment of the needed capability.

(2) MATTERS TO BE INCLUDED.—The procedures prescribed under subsection (a) shall include the following: A process for streamlined communications between the Chairman of the Joint Chiefs of Staff, the acquisition community, and the research and development community, including—

(A) a process for the commanders of the combatant commands and the Chairman of the Joint Chiefs of Staff to communicate their needs to the acquisition community and the research and development community; and

(B) a process for the acquisition community and the research and development community to propose capability that meet the needs communicated by the combatant commands and the Chairman of the Joint Chiefs of Staff.

(3) A process for demonstrating performance and evaluating for current operational purposes the performance of the capability; and

(C) a process for making deployment and utilization determinations based on information obtained pursuant to subparagraphs (A) and (B).

(4) Specific procedures in accordance with the guidance developed under section 804(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 321 prec.).

(C) RESPONSE TO COMBAT EMERGENCIES AND OTHER URGENT OPERATIONAL NEEDS.—

(1) DETERMINATION OF NEED FOR URGENT ACQUISITION AND DEPLOYMENT.—(A) In the case of any capability that, as determined in writing by the Secretary of Defense, is urgently needed to eliminate a documented deficiency that has resulted in combat casualties, or is likely to result in combat casualties, the Secretary shall prescribe procedures under this section in order to accomplish the urgent acquisition and deployment of the needed capability.

(B) In the case of any capability that, as determined in writing by the Secretary of Defense, is urgently needed to eliminate a documented deficiency that has resulted in combat casualties, or is likely to result in combat casualties, the Secretary shall prescribe procedures under this section in order to accomplish the urgent acquisition and deployment of the needed capability.

(2) MATTERS TO BE INCLUDED.—The procedures prescribed under subsection (a) shall include the following: A process for streamlined communications between the Chairman of the Joint Chiefs of Staff, the acquisition community, and the research and development community, including—

(A) a process for the commanders of the combatant commands and the Chairman of the Joint Chiefs of Staff to communicate their needs to the acquisition community and the research and development community; and

(B) a process for the acquisition community and the research and development community to propose capability that meet the needs communicated by the combatant commands and the Chairman of the Joint Chiefs of Staff.

(3) A process for demonstrating performance and evaluating for current operational purposes the performance of the capability; and

(C) a process for making deployment and utilization determinations based on information obtained pursuant to subparagraphs (A) and (B).

(4) Specific procedures in accordance with the guidance developed under section 804(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 321 prec.).

(C) RESPONSE TO COMBAT EMERGENCIES AND OTHER URGENT OPERATIONAL NEEDS.—

(1) DETERMINATION OF NEED FOR URGENT ACQUISITION AND DEPLOYMENT.—(A) In the case of any capability that, as determined in writing by the Secretary of Defense, is urgently needed to eliminate a documented deficiency that has resulted in combat casualties, or is likely to result in combat casualties, the Secretary shall prescribe procedures under this section in order to accomplish the urgent acquisition and deployment of the needed capability.

(B) In the case of any capability that, as determined in writing by the Secretary of Defense, is urgently needed to eliminate a documented deficiency that has resulted in combat casualties, or is likely to result in combat casualties, the Secretary shall prescribe procedures under this section in order to accomplish the urgent acquisition and deployment of the needed capability.

(2) MATTERS TO BE INCLUDED.—The procedures prescribed under subsection (a) shall include the following: A process for streamlined communications between the Chairman of the Joint Chiefs of Staff, the acquisition community, and the research and development community, including—

(A) a process for the commanders of the combatant commands and the Chairman of the Joint Chiefs of Staff to communicate their needs to the acquisition community and the research and development community; and

(B) a process for the acquisition community and the research and development community to propose capability that meet the needs communicated by the combatant commands and the Chairman of the Joint Chiefs of Staff.

(3) A process for demonstrating performance and evaluating for current operational purposes the performance of the capability; and

(C) a process for making deployment and utilization determinations based on information obtained pursuant to subparagraphs (A) and (B).
loss of life, property destruction, or economic effects, the Secretary may use the procedures developed under this section in order to accomplish the urgent acquisition and deployment of the needed offensive or defensive cyber capability.

(ii) In this subparagraph, the term ‘cyber attack’ means a deliberate action to alter, disrupt, deceive, degrade, or destroy computer or communication systems or the information or programs resident in or transiting these systems or networks.

(2) DESIGNATION OF SENIOR OFFICIAL RESPONSIBILITY.—In any fiscal year, when the Secretary makes a determination under subparagraph (A), (B), or (C) of paragraph (1) that a capability is urgently needed to be acquired, the Secretary shall designate a senior official of the Department of Defense to ensure that the needed capability is acquired as quickly as possible, with a goal of awarding a contract for the acquisition of the capability within 15 days.

(iii) In cases where the proceedings do not apply to an acquisition initiated in the case of a determination by the Secretary that funds are necessary to immediately initiate a project under a section 804 rapid acquisition pathway, the Secretary shall institute a defense acquisition reporting system to the Department of Defense to ensure that the needed capability is acquired as quickly as possible, with a goal of awarding a contract for the acquisition of the capability within 15 days.

(iv) In the case of a determination by the Secretary under paragraph (3)(A) that funds are necessary to immediately initiate a project under a section 804 rapid acquisition pathway, the Secretary shall notify the congressional defense committees of the determination within 10 days after the date of the use of such funds.

(v) A notice under this paragraph shall include the following:

(A) Identification of the capability to be acquired.

(B) The amount anticipated to be expended for the acquisition.

(C) The source of funds for the acquisition.

(D) A notice under this paragraph shall fulfill any requirement to provide notification to Congress for a program (referred to as ‘‘new start programs’’) that has not previously been specifically authorized by law or for which funds have not previously been appropriated.

(F) A notice under this paragraph shall be provided in consultation with the Director of the Office of Management and Budget.

(G) LIMITATION ON OFFICERS WITH AUTHORITY.—The authority to make determinations under subparagraph (A), (B), or (C) of paragraph (1), or on the Secretary making a determination that funds are necessary to immediately initiate a project under a section 804 rapid acquisition pathway based on a compelling national security need, the Secretary may use any funds available to the Department of Defense if the determination is made in writing and the Secretary determines that the use of such funds is necessary to address in a timely manner the deficiency documented or identified under such subparagraph (A), (B), or (C) or the compelling national security need identified for purposes of such section 804 pathway, respectively.

(B) The authority provided by this section may only be used to acquire capability when:

(i) In the case of determinations by the Secretary under paragraph (1)(A), in an amount aggregating not more than $200,000,000 during any fiscal year.

(ii) In the case of determinations by the Secretary under paragraph (1)(B), in an amount aggregating not more than $200,000,000 during any fiscal year.

(iii) In the case of determinations by the Secretary under paragraph (1)(C), in an amount aggregating not more than $500,000 during any fiscal year.

(iv) In the case of a determination by the Secretary that funds are necessary to immediately initiate a project under a section 804 rapid acquisition pathway, the Secretary shall notify the congressional defense committees of the determination within 10 days after the date of the use of such funds.

(C) In exercising the authority under this section, the use of funds is limited as follows:

(i) When operation and maintenance (O&M) funds are utilized as a source, special O&M funds established for a dedicated or described purpose may not be used.

(ii) When funds are utilized for sustainment purposes, the authority may not be used for more than 2 years.

(D) A notice under this paragraph shall be provided in consultation with the Director of the Office of Management and Budget.

(E) OPERATIONAL ASSESSMENTS.—

(1) GENERAL.—The process prescribed under subsection (b)(2)(A) for demonstrating the procurement of the capability in the current operational performance of a capability proposed pursuant to subsection (b)(1)(B) shall include the following:

(A) An operational assessment in accordance with procedures prescribed by the Director of Operational Test and Evaluation.

(B) A requirement to provide information about the deficiency of the capability in meeting the original requirements for the capability (as stated in a statement of the urgent operational need or similar documentation) to the deployment decision-making authority.

(2) LIMITATION.—The process may not include a requirement for any deficiency of capability identified in the operational assessment to be the determining factor in deciding whether to deploy the capability.

(3) DIRECTOR OF OPERATIONAL TEST AND EVALUATION ACCESS.—If a capability is deployed under the procedures prescribed pursuant to this section, or under any other authority, before operational test and evaluation, the capability may be completed by the Director of Operational Test and Evaluation shall have access to operational records and data relevant to such capability in accordance with section 1304 of title 10, United States Code, for the purpose of completing operational test and evaluation of the capability. Such access shall be provided in a time and manner determined by the Secretary of Defense consistent with requirements of operational security and other relevant operational requirements.

(b) CLERICAL AMENDMENT.—The table of chapters that begins with the beginning of part V, title A, and at the beginning of part V of subtitle A, of title 10, United States Code, are each amended by striking the item relating to chapter 253 and inserting the following:

‘‘253. Rapid Acquisition Procedures .. 3601’’.

(c) CONFORMING REPEALS.—The following provisions of law are repealed:


SEC. 805. ACQUISITION REPORTING SYSTEM.

(a) IN GENERAL.—The Secretary of Defense shall institute a defense acquisition reporting system to replace the requirements of section 4351 of title 10, United States Code, as soon as practicable but not later than June 30, 2023.

(b) ELEMENTS.—The reporting system required under subsection (a) may include such elements as determined by the Secretary to support the acquisition information reporting needs of the Department, and at a minimum, shall include:

(1) continue to produce the information necessary to carry out the actions specified in chapter 325 of title 10, United States Code;

(2) continue to produce the information necessary to carry out the actions specified in sections 4217 and 4311 of the Atomic Energy Defense Act (30 U.S.C. 257, 2577);

(3) incorporate the findings of section 805 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81); and

(4) provide the congressional defense committees and other interested entities with access to updated acquisition reporting on a not less than quarterly basis.
Section 3801(b)(2) of title 10, United States Code, is amended—

(A) by striking “shall include in the request the following:” and all that follows through “(A) a report” and inserting “shall include in the request the following:” and

(B) by striking subparagraph (B).

SEC. 807. MODIFICATION OF LIMITATION ON CANCELLATION OF DESIGNATION OF EXCLUSIVE PRODUCER FOR A CERTAIN DEFENSE PRODUCTION ACT PROGRAM.

Section 226 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1335) is amended—

(1) in subsection (a), by striking “The Secretary” and inserting “Except as provided under subsection (e), the Secretary”;

(2) by redesignating subsection (e) as subsection (f); and

(3) by adding after subsection (d) the following new subsection:

“(e) DESIGNATION OF OTHER EXECUTIVE AGENTS.—The Secretary of Defense may designate other Executive Agents within the Department to implement Defense Production Act transactions entered into under the authority of sections 4802, 4803 and 4804 of title 10, United States Code.”

SEC. 808. COMPTROLLER GENERAL ASSESSMENT OF ACQUISITION PROGRAMS AND RELATED REPORTS.

(a) IN GENERAL.—Section 3072 of title 10, United States Code, is amended—

(1) in the section heading, by striking “initiatives” and inserting “efforts”;

(2) by striking “initiatives” each place it appears and inserting “efforts”;

(3) in subsection (a), by striking “through 2023” and inserting “through 2025”;

(4) in subsection (c), in the subsection heading, by striking “INITIATIVES” and inserting “EFFORTS”;

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 203 of title 10, United States Code, is amended in the item relating to section 3072 by striking “INITIATIVES” and inserting “EFFORTS”.

Subtitle B—Amendments to General Contraacting Authorities, Procedures, and Limitations

SEC. 821. TREATMENT OF CERTAIN CLAUSES IMPLEMENTING EXECUTIVE ORDER MANDATES.

(a) In General—Section 3862 of title 10, United States Code, is amended—

(1) in the section heading, by striking “certification”;

(2) by redesignating subsection (c) as subsection (d);

(3) by inserting after subsection (b) the following new subsection:

“(c) Designation of Certain Clauses Implementing Executive Order Mandates.—

(1) In general—Section 3862(c) of title 10, United States Code, is amended—

(A) in the section heading, by striking “DEFINITION” and inserting “DEFINITIONS”;

(B) by striking “section” and inserting the following: section—

“(1) The term ‘changes clause’ means the clause described in part 22.234-4 of the Federal Acquisition Regulation or any successor regulation.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 201 of title 10, United States Code, is amended by striking the item relating to section 3862 and inserting the following:

“(3862) Requests for equitable adjustment or other relief.”

(c) CONFORMING REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to conform to the amendments to section 3862 of title 10, United States Code, made by subsection (a).

(d) CONFORMING POLICY GUIDANCE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise applicable policy guidance on other transactions to conform with the amendments to section 3862 of title 10, United States Code, made by subsection (a).

SEC. 822. DATA REQUIREMENTS FOR COMMERCIAL PRODUCTS FOR MAJOR WEAPONS SYSTEMS.

(a) AMENDMENTS RELATING TO SUBSYSTEMS OF MAJOR WEAPONS SYSTEMS.—Section 3455(b) of title 10, United States Code is amended—

(1) by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting ‘‘(1)’’ before ‘‘A subsystem of a major weapons system’’;

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

“(2) For subsystems proposed as commercial as defined in title 10 and that have not been previously determined commercial in accordance with section 3703(d) of this title, the offeror shall be required to identify the comparable commercial product that is customarily used by the general public or non-governmental entities that serves as the basis for the ‘of a type’ assertion. The offeror shall submit a comparison of the essential physical characteristics and functionality between the proposed ‘of a type’ product and the comparable commercial product as a basis for the ‘of a type’ assertion. The offeror shall also provide the National Stock Numbers for both the comparable commercial product used by the general public, if one is assigned, and the product proposed to meet the Government’s requirement, if one is assigned.’’;

(b) AMENDMENTS RELATING TO COMPONENTS AND SPARE PARTS.—Section 3455(c) of such title is amended—

(1) by redesigning paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) For components or spare parts proposed as commercial as defined in section 108.1(c) of the Federal Acquisition Regulation not previously been determined commercial in accordance with section 3703(d) of this title, the offeror shall be required to identify the comparable commercial product customarily used by the general public or non-governmental entities that serves as the basis for the ‘of a type’ assertion. The offeror shall submit a comparison of the essential physical characteristics and functionality between the proposed ‘of a type’ product and the comparable commercial product in support of the ‘of a type’ assertion. The offeror shall also provide the National Stock Numbers for both the comparable commercial product used by the general public, if one is assigned, and the product proposed to meet the Government’s requirement, if one is assigned.”;

(3) in paragraph (3), as so redesignated—

(A) by striking “only”; and

(B) by striking “on which the prime contractor adds no, or negligible, value”;

(c) AMENDMENTS RELATING TO INFORMATION SUBMISSIONS.—Section 3455(d) of such title is amended—

(1) in the subsection heading, by inserting after “SUBMITTED” the following: “for Programs That Are Not Covered by the Exceptions in Section 3703(a)(1) of This Title”;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “the contracting officer shall require the offeror to submit—” and inserting “the offeror shall be required, on an as needed basis, to submit—”; and

(B) in subparagraph (A)—

(i) by inserting “all” before “prices paid”; and

(ii) by inserting “, and the terms and conditions,“ after “terms and conditions”;

(C) in subparagraph (B)—

(i) by striking clauses (ii), (iii), and (iv); and

(ii) by striking “information on—” and all that follows through “term and condition” and inserting “, and the terms and conditions,“ after “terms and conditions”;

(D) in subparagraph (C), by inserting after “reasonableness of price” the following: “because either the comparable products provided by the offeror are not a valid basis for a cost analysis or the price determined by the contracting officer determines the proposed price is not reasonable after evaluating sales data”; and

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

“(4) A request for cost data under paragraph (1)(C) must be approved at a level necessary to determine the most highly qualified contractor.”

SEC. 823. TASK AND DELIVERY ORDER CONTRACTING FOR ARCHITECTURAL AND ENGINEERING SERVICES.

Section 3406 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(b) ARCHITECTURAL AND ENGINEERING SERVICES.—(1) Task or delivery orders for architectural and engineering services issued under section 3403 or 3405 of this title shall be qualification-based selections executed in accordance with chapter 11 of title 40.

“(2) When issuing a task or delivery orders for architectural and engineering services under a multiple award contract, an agency shall not routinely request additional information from contractors, but may request additional information or conduct discussions with contractors when available information is insufficient, in order to determine the most highly qualified contractor to perform the work in accordance with chapter 11 of title 40.”

SEC. 824. EXTENSION OF PILOT PROGRAM FOR DISTRIBUTION SUPPORT AND SERVICES FOR WEAPONS SYSTEMS CONTRACTORS.


(1) in subsection (a), by striking “six-year pilot program” and inserting “seven-year pilot program”;

(2) in subsection (g), by striking “six years” and inserting “seven years”.

SEC. 825. PILOT PROGRAM TO ACCELERATE CONTRACT TRACING AND PRICING PROCESSES.

SEC. 826. EXTENSION OF NEVER CONTRACT WITH THE ENEMY.
Section 841(n) of the National Defense Author-
ization Act for Fiscal Year 2015 (Public Law 113–210; 128 Stat. 3455) is amended by striking “December 31, 2023” and inserting “December 31, 2025”.

SEC. 827. PROGRESS PAYMENT INCENTIVE PILOT.
(a) PILOT PROGRAM.—The Secretary of De-
fense, acting through the Under Secretary of De-
fense for Acquisition and Sustainment, shall
implement a pilot pro-
gram, to be known as the “Progress Pay-
ment Incentive Pilot Program”, to make ac-
celerated progress payments contingent upon
responsive to Department of De-
fense goals for effectiveness, efficiency, and
increasing small business contract opportu-
nities.

(b) PURPOSE.—The purpose of the pilot pro-
gram is to reward Department of Defense contractors who meet contract delivery dates, respond to Department solicitations for required certified cost or pricing data, meet small business contracting goals, and
provide subcontracting opportunities for
AbilityOne contracts.

(c) PROCESS PAYMENTS.—

(1) LIMITATIONS FOR LARGE CONTRACTORS.—
Except as provided under paragraph (2), un-
der the pilot program, the Department of De-
fense may not award to large business contractors progress payments in excess of 50 percent.

(2) EXCEPTIONS.—The Department of De-
fense may increase the rate of progress pay-
ments, up to a total of 95 percent, by the fol-
lowing percentages:

(A) 10 percent if the relevant division of
the contractor met contract delivery dates for
contract end items and contract data re-

quirement lists or performance milestone
schedules for the item may be, at least
95 percent of the time during the preceding
Government fiscal year.

(B) 10 percent if the division does not have
open level III or IV corrective action re-
quests.

(C) 10 percent if all applicable contractor business systems are acceptable, without sig-
nificant deficiencies.

(D) 7.5 percent if at least 95 percent of the
time during the preceding Government fiscal year, when responding to solicitations that
require certification of certified cost or pric-
ing data, the division met the due date in
the request for proposal.

(E) 5 percent if the contractor has met its
small business subcontracting obligations during the preceding Government fiscal year.

(F) 2.5 percent if the contractor has pro-
vided subcontracting opportunities for
the blind and severely disabled.

(3) SUNSET.—The authority to make ac-
celerated payments under the pilot program
shall terminate on the date that is four
years from the date of enactment of the
National Defense Authorization Act for
Fiscal Year 2023.

(e) DEFINITIONS.—In this section:

(1) LARGE DEFENSE CONTRACTOR.—The term
“large defense contractor” means a con-
tractor (other than an institution of higher
education or a federally funded research and
development center) that received more than
$10,000,000 in annual revenue from the De-
partment of Defense contracts or licenses in
any of the previous three years.

(2) PAYMENTS.—The term “progress payments” means payments pro-
vided for under section 3804 of title 10, United
States Code.

SEC. 828. REPORT ON DEPARTMENT OF DEFENSE STRATEGIC CAPABILITIES OFFICE CONTRACTING CAPABILITIES.
(a) REPORT.—Not later than March 1, 2023, the Secretary of Defense, in coordination with the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Research and Engineering, and the Director of the Strategic Capabilities Office (SCO), shall submit to the congressional defense commit-
tees a report on the adequacy of SCO con-
tracting authorities.

(b) ELEMS.—The report required under subsection (a) shall include—

(1) a summary of the existing authorities of the SCO, including the mechanisms for contracting, the existing programs, and

(2) an assessment of the average amount of time needed to conduct contracting actions through current mechanisms described in paragraph (1).

(3) an assessment of the pros and cons of the current contracting processes for SCO in relation to their ability to rapidly develop and deploy technology in support of Depart-
ment of Defense operational units;

(4) an assessment of the type or types of contracting authority that would be most beneficial to the SCO in carrying out its mis-

sion in order to achieve desired speed and scale for the organization, including any lim-
its or oversight measures that should be put
into place;

(5) an assessment of structural changes that may be needed in order to accommodate the preferred contracting approach for SCO; and

(6) the Secretary of Defense’s recommenda-
tions for future authorities for the SCO.

SEC. 841. ANALYSIS OF PROCUREMENT ACTIVITIES FOR ACTION TO ADDRESS SOURCING AND INDUSTRIAL CAPACITY.
(a) ANALYSIS REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of De-
fense for Acquisition and Sustainment and other relevant officials, shall review the items under subsection (c) to determine and develop appropriate actions, consistent with the policies, programs, and activities re-
quired under subpart I of part V of subtitle A
of title 10, United States Code, chapter 83 of

(A) restricting procurement, with appro-

priate waivers for cost, emergency require-
ments, and non-availability of suppliers, in-
cluding restricting procurement from selected suppliers in the United States;

(B) suppliers in the national technology and
industrial base (as defined in section 4801
of such title);

(ii) diversify sources of supply; or

(iii) other suppliers;

(B) increasing investment through use of
research and development or procurement
activities and acquisition authorities to—

(i) expand production capacity;

(ii) diversify sources of supply; or

(iii) promote alternative approaches for

addressing military requirements;

(C) prohibiting procurement from selected
sources or nations;

(D) taking a combination of actions de-
described under subparagraphs (A), (B), and (C); or

(E) taking no action.

(2) CONSIDERATIONS.—The analyses con-
ducted pursuant to paragraph (1) shall con-
sider national security, economic, and treaty implications, as well as impacts on current and potential suppliers of goods and services.

(b) REPORTING ON ANALYSES, RECOMMENDATIONS, AND ACTIONS.—

(1) REPORTING.—Not later than January 15, 2024, the Secretary of Defense shall sub-
mit to the congressional defense commit-
tees—

(A) a summary of the findings of the anal-
yses undertaken for each item pursuant to
subsection (a);

(B) relevant recommendations resulting from
the analyses; and

(C) descriptions of specific activities un-

dertaken as a result of the analyses, includ-
ing relevant schedules and resources allocated for any
planned actions.

(2) REPORTING.—The Secretary of Defense shall include the analyses conducted under
subsection (a), and any relevant recom-

mendations and descriptions of activities resulting from such analyses, as appropriate, in each of the following submitted during the
2026 budget year:

(A) The annual or quarterly reports to Congress required under section 4814 of title 10, United States Code.

(B) The annual report on unfunded prior-

ities of the national technology and indu-

trial base required under section 4815 of
such title.

(C) Department of Defense technology and
industrial base policy guidance prescribed under section 4811(c) of such title.

(D) Activities to modernize acquisition processes to ensure the integrity of the in-

dustrial base pursuant to section 4819 of
such title.

(E) Defense memoranda of understanding and related agreements considered in ac-

cordance with section 4651 of such title.

(F) Industrial base or acquisition policy changes.

(G) Legislative proposals for changes to
relevant statutes which the Department shall consider, develop, and submit to the Committees on Armed Services of the
House of Representatives not less frequently than once per fiscal year.

(3) Other actions as the Secretary of De-

fense determines appropriate.

(l) LIST OF GOODS AND SERVICES FOR ANALY-

SSES, RECOMMENDATIONS, AND ACTIONS.—The items described in this subsection are the following:

(1) Solar components for satellites.

(2) Satellite ground station service con-

tracts.

SEC. 842. MODIFICATION TO MISCELLANEOUS LIMITATIONS ON THE PURCHASE-
MENT OF GOODS OTHER THAN
UNITED STATES GOODS.
Section 4861 of title 10, United States Code, is amended by inserting after subsection (i) the following new subsection to
read:

“(k) PERIODIC REVIEW REQUIREMENT.—

“(1) REQUIRED DETERMINATION.—Not later than November 1, 2025, and every two years thereafter, the Under Secretary of Defense for Acquisition and Sustainment shall review each item described in subsections (a) and (e) of this section and make and submit to the congressional defense committees a written determination with one of the following recommendations:

“(A) Recommend continued inclusion of the item under this section.

“(B) Recommend continued inclusion of the item under this section with modific-

ations.

“(C) Recommend discontinuing inclusion of the item under this section.

“(2) ELEMENTS.—The review required under paragraph (1) shall include the following ele-
ments for the most recent five-year period:

“(A) The criticality of the item to a mili-

itary unit’s mission accomplishment or other national security objectives.

“(B) The extent to which such item is

fielded in current programs of record.

“(C) The number of such items to be pro-

cured by current program.

“(D) The extent to which cost and pricing
data for such item has been deemed fair and

reasonable.

“(E) Justification.—The determination re-
quired under paragraph (1) shall also include the findings of the review conducted under

 effects.
such paragraph and any other key justifications for the determination.";

SEC. 843. DEMONSTRATION EXERCISE OF EN- HANCED PLANNING FOR INDU- STRIAL MOBILIZATION AND SUPPLY CHAIN MANAGEMENT.

(a) Demonstration Exercise Required.—Not later than October 1, 2023, the Secretary of Defense shall conduct a demonstration exercise of industrial mobilization and supply chain management planning capabilities in support of declared operational or contingency plan use case, as selected in consultation with the Chairman of the Joint Chiefs of Staff, the Secretary of the Air Force, the Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Personnel and Readiness, and the Under Secretary of Defense for Policy.

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

(1) A description of the plans used to support an exercise of industrial mobilization and supply chain management planning capabilities.

(2) A description of the plans used to support an exercise of industrial mobilization and supply chain management planning capabilities.

(3) A description of the plans used to support an exercise of industrial mobilization and supply chain management planning capabilities.

(4) A description of the plans used to support an exercise of industrial mobilization and supply chain management planning capabilities.

(5) A description of the plans used to support an exercise of industrial mobilization and supply chain management planning capabilities.

(6) A description of the plans used to support an exercise of industrial mobilization and supply chain management planning capabilities.

(7) A description of the plans used to support an exercise of industrial mobilization and supply chain management planning capabilities.

(8) A description of the plans used to support an exercise of industrial mobilization and supply chain management planning capabilities.

(c) Briefing Required.—Not later than one year after the date of the enactment of this Act, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the demonstration exercise.

(d) Assessment.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a briefing that includes—

(1) The demonstration exercise described in paragraph (a);

(2) The elements required under subsection (b); and

(3) Any preliminary findings.

(e) Definitions.—In this section, the term ‘military department’ includes any military department, military agency, military department field activity, military department field activity component, and defense agency.

(f) Implementation of Supply Chain Tracking System.—If a contractor cannot make the disclosure required by paragraph (1) with respect to a system described in that paragraph, the Secretary shall require the contractor to establish and implement a supply chain tracking system in order to make the disclosure not later than 180 days after providing the system to the Department of Defense.

(g) Waivers.—(1) In general.—The Secretary may waive the requirement under paragraph (1) or (3) with respect to a system described in paragraph (1) for a period of not more than 180 days if the Secretary certifies to the Committees on Armed Services of the Senate and the House of Representatives that—

(1) The exercise of processes and authorities that require remediation, including a description of any recommendations for legislative action that may be required as a result.

(2) The identification of process improvements or gaps in resources, capabilities, or authorizations that support the Department for industrial mobilization and supply chain management planning capabilities.

(3) The implementation of analytical tools or metrics identified to support the process; and

(4) Preliminary findings.

(h) Assessment.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a final assessment report of the demonstration exercise, including a description of—

(1) The use cases considered in this demonstration exercise;

(2) The elements required under subsection (b);

(3) Outcomes and conclusions;

(4) Lessons learned; and

(5) Any recommendations for legislative action that may be required as a result.

(i) Definitions.—In this section, the term ‘military department’ includes any military department, military agency, military department field activity component, and defense agency; the term ‘military company’ means any entity that the Secretary of Defense determines to be a military company; and the term ‘industrial complex company’ means any entity that the Secretary of Defense determines to be an industrial complex company.

SEC. 844. PROCUREMENT REQUIREMENTS RE- LATING TO RARE EARTH ELEMENTS AND STRATEGIC AND CRITICAL MATERIALS BY CONTRACTORS OF DEPARTMENT OF DEFENSE.

(a) Disclosures Concerning Rare Earth Elements and Strategic and Critical Materials by Contractors of Department of Defense.—(1) Requirement.—Beginning on the date that is 30 months after the date of the enactment of this Act, the Secretary of Defense shall require that any contractor that provides to the Department of Defense a system with a permanent magnet that contains rare earth elements, identify and disclose all critical materials used in the magnet, including—

(1) Any rare earth elements and strategic and critical materials used in the magnet that were mined;

(2) Such elements and minerals were refined into oxides;

(3) Such elements and minerals were made into metals and alloys; and

(4) The magnet was sintered or bonded and magnetized.

(2) Implementation of Supply Chain Tracking System.—If a contractor cannot make the disclosure required by paragraph (1) with respect to a system described in that paragraph, the Secretary shall require the contractor to establish and implement a supply chain tracking system in order to make the disclosure not later than 180 days after providing the system to the Department of Defense.

(3) Waivers.—(1) In general.—The Secretary may waive the requirement under paragraph (1) with respect to a system described in paragraph (1) for a period of not more than 180 days if the Secretary certifies to the Committees on Armed Services of the Senate and the House of Representatives that—

(1) The continued procurement of the system is necessary to meet the demands of a national emergency declared under section 201 of the National Emergencies Act (50 U.S.C. 1721); or

(2) The contractor cannot currently make the disclosure required by paragraph (1) but is making significant efforts to comply with the requirements of that paragraph.

(2) Waiver Renewals.—(A) General.—The Secretary—

(i) may renew a waiver under subparagraph (A)(i) as many times as the Secretary considers appropriate; and

(ii) may not renew a waiver under subparagraph (A)(ii) more than twice.

(3) Briefing Required.—Not later than 30 days after the submission of each report required under subsection (b), the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing that includes—

(A) A summary of the disclosures made under this subsection;

(B) An assessment of the extent of reliance by the United States on foreign countries, and especially countries that are not allies of the United States, for rare earth elements and strategic and critical materials; and

(C) A determination with respect to which systems described in paragraph (1) are of the greatest concern for interruptions of supply chains with respect to rare earth elements and strategic and critical materials; and

(D) Any suspensions for legislation or funding that would mitigate security gaps in such supply chains.

(4) Expansion of Restrictions on Procurement of Military and Dual-Use Technologies by Chinese Military Companies.—(1) In general.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall assess the extent of the efforts of the Department of Defense to comply with the requirements of—

(A) subsection (a); and

(B) section 2112 of the National Defense Authorization Act for Fiscal Year 2020, as amended by subsection (d) and

(C) section 17(b) of the Defense Production Act of 1950 (50 U.S.C. 4514).

(2) Effective Date.—The provisions of section 744 of Public Law 116–283 (10 U.S.C. 1911 note) do not apply to any system described in paragraph (1).
SEC. 847. ANNUAL REPORT ON INDUSTRIAL BASE

Constraints for Munitions.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after subsection (a)(1), and after subsection (a)(2) (as redesignated by section 845 of this Act), the following:

‘‘§ 222d. Annual report on industrial base constraints for munitions

‘‘(a) IN GENERAL.—Not later than 30 days after the submission of all reports required under section 222c of this title, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Service Acquisition Executive for each military department, shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the results of the assessments conducted under paragraph (1) that includes an assessment of—

(A) the inclusion by the Department of Defense of necessary contracting clauses in relevant contracts to meet the requirements described in subparagraphs (A), (B), and (C) of paragraph (1); and

(B) the efforts of the Department of Defense to assess the compliance of contractors with such clauses.

(b) ANNUAL REPORT ON INDUSTRIAL BASE CONSTRAINTS FOR MUNITIONS.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after the heading ‘‘Annual report on industrial base constraints for munitions’’ the following:

‘‘822d. Annual report on industrial base constraints for munitions

‘‘(a) IN GENERAL.—Not later than 30 days after the submission of all reports required under section 222c of this title, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Service Acquisition Executive for each military department, shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the results of the assessments conducted under paragraph (1) that includes an assessment of—

(A) the inclusion by the Department of Defense of necessary contracting clauses in relevant contracts to meet the requirements described in subparagraphs (A), (B), and (C) of paragraph (1); and

(B) the efforts of the Department of Defense to assess the compliance of contractors with such clauses.

(c) REQUIREMENT.—The Comptroller General shall, not less frequently than every 2 years until the termination date specified in paragraph (5), submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the assessments conducted under paragraph (1) that includes an assessment of—

(A) the inclusion by the Department of Defense of necessary contracting clauses in relevant contracts to meet the requirements described in subparagraphs (A), (B), and (C) of paragraph (1); and

(B) the efforts of the Department of Defense to assess the compliance of contractors with the requirements described in subparagraphs (A), (B), and (C) of paragraph (1).

SEC. 845. MODIFICATION TO THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020 (10 U.S.C. 3001 note).

(1) IN GENERAL.—Section 8061 of title 10, United States Code, is amended by inserting ‘‘and (5) inserting ‘‘New Zealand,’’ after ‘‘Australia,’’:

SEC. 846. MODIFICATION OF PROHIBITION ON PROCUREMENT OF FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.

Section 886(d)(1) of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 4671 note; Public Law 116-92) is amended by striking ‘‘means materials designated as strategic and critical materials under section 3(a) of the Strategic and Critical Materials Stock Piling Act’’ and inserting ‘‘Section 3(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 9803(a)).’’

SEC. 845. MODIFICATION TO THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020 (10 U.S.C. 3001 note).

(1) IN GENERAL.—Section 8061 of title 10, United States Code, is amended by inserting ‘‘and (5) inserting ‘‘New Zealand,’’ after ‘‘Australia.’’:

SEC. 846. MODIFICATION OF PROHIBITION ON PROCUREMENT OF FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.

Section 886(d)(1) of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 4671 note; Public Law 116-92) is amended by striking ‘‘means materials designated as strategic and critical materials under section 3(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 9803(a)).’’

SEC. 847. ANNUAL REPORT ON INDUSTRIAL BASE CONSTRAINTS FOR MUNITIONS.

(a) REQUIREMENT OF MINUTIIONS REQUIREMENTS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall deliver a briefing to the congressional defense committees regarding the current process for fulfilling the requirements of section 222c of title 10, United States Code, in a timely fashion with standardization across the Department of Defense.
‘§ 4063. Public-private partnership technology investment pilot program

(a) ESTABLISHMENT.—(1) Subject to the availability of appropriations for this purpose, the Secretary of Defense shall, acting through the Under Secretary of Defense for Research and Engineering and in coordination with the Secretary of Defense for Acquisition and Sustainment, carry out a pilot program, for no less than five years, to accelerate the development of advanced technology for national security by creating incentives for trusted private capital to invest in domestic small businesses or nontraditional businesses that are developing technology that the Secretary considers necessary to support the modernization of the Department of Defense and national security priorities.

(2) The criteria established under paragraph (1) for entering into a public-private partnership with a person shall include the following:

(A) The person shall be independent.

(B) The person shall be free from foreign oversight, control, influence, or beneficial ownership.

(C) The person shall have commercial private capital fund experience with technology development in the defense and commercial sectors.

(D) The person shall be eligible for access to classified information (as defined in the procedures established pursuant to section 801(a) of the National Security Act of 1947 (50 U.S.C. 3161(a))).

(3) The Secretary and a person with whom the Secretary enters a partnership under paragraph (1) may enter into an operating agreement that sets forth the roles, responsibilities, authorities, reporting requirements, and governance framework for the partnership.

(b) INVESTMENT AND RAISING OF CAPITAL.—(1(A)) Pursuant to a public-private partnership entered into under subsection (b), a person described in paragraph (1(A)) shall, in order to support investment of equity under paragraph (1), raise private capital only from trusted capital sources.

(1(B)) A person described in subparagraph (A) shall have sole authority to raise funds for, operate, manage, and invest capital raised under such subdivision.

(2) BRIEFS.—(1) Not later than one year after the date of the enactment of this section, the Secretary shall provide the congressional defense committees—

(A) a briefing on the implementation of this section; and

(B) a report on the feasibility of implementing loan guarantees as an aspect to enhance the effectiveness of this program, including—

(i) a detailed description of how loan guarantees would be vetted, approved, and managed, including mechanisms to protect the government’s interests; and

(ii) how such loan guarantees would be considered consistent with other government investment mechanisms or other private sector financing.

(2) Not later than five years after the date of the enactment of this section, the Secretary shall provide the congressional defense committees a briefing on the outcomes of the pilot program.

(c) PROGRAM PARTICIPANTS.—(1) A business concern eligible for the award of Federal contracts may obtain assistance from a mentor firm upon entering into an agreement with the mentor firm as provided in subsection (e). A disadvantaged small business concern may not be a party to more than one agreement concurrently, and the authority to enter into agreements under subsection (e) shall only be available to such concern during the 5-year period that begins on the date such concern enters into the first such agreement. A disadvantaged small business concern receiving such assistance shall be known for the purposes of the program, as a ‘protege firm’.

(3) In entering into an agreement pursuant to subsection (e), a mentor firm may rely in good faith on a written representation of a business concern that such business concern is a disadvantaged small business concern. The Small Business Administration shall determine the status of such business concern as a disadvantaged small business concern in the event of a protest regarding the status of such business concern. If at any time the business concern is determined by the Small Business Administration not to be a disadvantaged small business concern, assistance furnished such business concern by the mentor firm after the date of the determination may not be considered assistance furnished under the program.

(d) MENTOR FIRM ELIGIBILITY.—(1) Subject to subsection (c)(1), a mentor firm may enter into an agreement with one or more protege firms under subsection (e) and provide assistance under the program to that agreement if the mentor firm—

(A) is eligible for award of Federal contracts; and

(B) demonstrates that it—

(i) is qualified to provide assistance that will contribute to the purpose of the program; and

(ii) is of good financial health and character and does not appear on a Federal list of debarred or suspended contractors; and

(iii) can impart value to a protege firm based on experience as a Department of Defense contractor or through knowledge of general business operations and government contracting, as demonstrated by evidence that—

(I) during the fiscal year preceding the fiscal year in which the mentor firm enters into the agreement, the total amount of the contracts awarded such mentor firm and the subcontracts awarded such mentor firm under Department of Defense contracts was equal to or greater than $100,000,000; or

(II) the mentor firm demonstrates the capability to assist in the development of protege firms, and is approved by the Secretary of Defense pursuant to the regulations prescribed pursuant to subsection (j).

SEC. 862. PERMANENT EXTENSION AND MODIFICATION OF MENTOR-PROTEGE PROGRAM.

(a) PERMANENT EXTENSION AND MODIFICATION.—Chapter 367 of title 10, United States Code, is amended by adding at the end the following new section:

‘§ 4902. Mentor-Protege Program

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall establish a program to be known as the ‘Mentor-Protege Program’.

(b) PURPOSE.—The purpose of the program is to provide incentives for major Department of Defense contractors to furnish disadvantaged small business concerns with assistance and services.

(1) enhance the capabilities of disadvantaged small business concerns to perform as subcontractors and suppliers under Department of Defense contracts and other contracts and subcontracts; and

(2) increase the participation of such business concerns as subcontractors and suppliers under Department of Defense contracts, other Federal Government contracts, and commercial contracts.

(c) PROGRAM PARTICIPANTS.—(1) A business concern meeting the eligibility requirements set out in subsection (d) may enter into agreements under subsection (e) and furnish assistance to disadvantaged small business concerns upon making application to the Secretary of Defense and being approved for participation in the program by the Secretary. A business concern participating in the program pursuant to such an approval shall be known, for the purposes of this program, as a ‘mentor firm’.

(2) A disadvantaged small business concern eligible for the award of Federal contracts may obtain assistance from a mentor firm upon entering into an agreement with the mentor firm as provided in subsection (e). A disadvantaged small business concern may not be a party to more than one agreement concurrently, and the authority to enter into agreements under subsection (e) shall only be available to such concern during the 5-year period that begins on the date such concern enters into the first such agreement. A disadvantaged small business concern receiving such assistance shall be known for the purposes of the program, as a ‘protege firm’.

(3) In entering into an agreement pursuant to subsection (e), a mentor firm may rely in good faith on a written representation of a business concern that such business concern is a disadvantaged small business concern. The Small Business Administration shall determine the status of such business concern as a disadvantaged small business concern in the event of a protest regarding the status of such business concern. If at any time the business concern is determined by the Small Business Administration not to be a disadvantaged small business concern, assistance furnished such business concern by the mentor firm after the date of the determination may not be considered assistance furnished under the program.

(d) MENTOR FIRM ELIGIBILITY.—(1) Subject to subsection (c)(1), a mentor firm may enter into an agreement with one or more protege firms under subsection (e) and provide assistance under the program to that agreement if the mentor firm—

(A) is eligible for award of Federal contracts; and

(B) demonstrates that it—

(i) is qualified to provide assistance that will contribute to the purpose of the program; and

(ii) is of good financial health and character and does not appear on a Federal list of debarred or suspended contractors; and

(iii) can impart value to a protege firm based on experience as a Department of Defense contractor or through knowledge of general business operations and government contracting, as demonstrated by evidence that—

(I) during the fiscal year preceding the fiscal year in which the mentor firm enters into the agreement, the total amount of the contracts awarded such mentor firm and the subcontracts awarded such mentor firm under Department of Defense contracts was equal to or greater than $100,000,000; or

(II) the mentor firm demonstrates the capability to assist in the development of protege firms, and is approved by the Secretary of Defense pursuant to the regulations prescribed pursuant to subsection (j).
(2) A mentor firm may not enter into an agreement with a protege firm if the Administra-
tor of the Small Business Administra-
tion has made a determination finding affilia-
tion between the mentor firm and the pro-
tege firm.

(3) If the Administrator of the Small Business Administra-
tion has made a determination not made with a deter-
nation and if the Secretary has rea-
sion to believe (based on the regulations pro-
regulation by the Administrator regarding af-
mination that the mentor firm is affiliated with the protege firm, the Secretary shall re-
request a determination regarding affiliation from the Administrator of the Small Busi-
ness Administration.

(e) MENTOR-PROTEGE AGREEMENT.—Before providing assistance to a protege firm under the purposes described in subsection (f), the Secretary shall enter into a mentor-protector agreement with the pro-
tege firm regarding the assistance to be pro-
voked by the mentor firm. The agreement shall include the following:

(1) A developmental program for the pro-
tege firm, in such detail as may be reason-
able, including:

(A) factors to assess the protege firm’s de-
velopmental progress under the program;

(B) a description of the quantitative and qual-
itative benefits to the Department of Defense
resulting from participation in the Mentor-
Protege Program; and

(C) goals for additional awards that the
protege firm can compete for outside the Mentor-Protege Program;

(2) The mentor firm will provide to the protege firm in understanding contract regulations of the Federal Government and the Department of Defense (inclu-
ding the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supple-
ment) after award of a subcontract under this section, if applicable.

(3) A developmental program term for any period of not more than three years, except that the term may be a period of up to five years if the Secretary of Defense determines in writing that unusual circumstances jus-
tify a program participation term in excess of three years.

(4) Procedures for the protege firm to term-
inate the agreement voluntarily and for the mentor firm to terminate the agreement for cause.

(f) FORMS OF ASSISTANCE.—A mentor firm may provide a protege firm the follow-
ing:

(1) Assistance, by using mentor firm per-
onnel, including—

(A) general business management, includ-
ing organizational management, financial manage-
ment, and personnel management, marketing, and overall business planning;

(B) technical and technical matters such as production, inventory control, and quality assurance; and

(C) any other assistance designed to de-
velop the capabilities of the protege firm under the developmental program referred to in subsection (e).

(2) Award of subcontracts on a non-
competitive basis to the protege firm under the Department of Defense or other con-
tracts.

(3) Payment of progress payments for perfor-
man ces of the protege firm under such a sub-
contract in amounts as provided for in the sub-
contract, but in no event may any such progress payment exceed 100 percent of the costs incurred by the protege firm for the performance.

(4) Advance payments under such sub-
contracts.

(5) Assistance.

(6) Assistance obtained by the mentor firm for the protege firm from one or more of the follow-
ing—

(A) any one or more of the business development centers established pursuant to section 21 of the Small Business Act (15 U.S.C. 648);

(B) entities providing procurement tech-

(2) any new awards of subcontracts on a non-
competitive basis to the protege firm under the purposes described in subsection (f);

(3) any other assistance provided by the mentor firm for the purposes described in subsection (f); and

(4) mentor firm reimbursement for the total amount of any progress payment or advance payment made under the program by the mentor firm to a protege firm in connection with a Department of Defense contract awarded the mentor firm.

(2)(A) The Secretary of Defense may pro-

(2) The total amount reimbursed under this paragraph to a mentor firm for costs of assistance furnished to a protege firm pursuant to paragraphs (1) and (6) of subsection (f) (except as provided in subparagraph (D)) as provided for in a line item in a Department of Defense contract under which the mentor firm is furnishing products or services to the Department, subject to a maximum amount of reimbursement speci-
dified in such contract, except that this sentence does not apply in a case in which the Secretary of Defense determines in writing that unusual circumstances justify reim-
bursing in connection with a separate contract.

(3)(A) Costs incurred by a mentor firm in-

(1) A developmental program for the pro-
tege firm, in such detail as may be reason-
able, including:

(A) factors to assess the protege firm’s de-
velopmental progress under the program;

(B) a description of the quantitative and qual-
itative benefits to the Department of Defense
resulting from participation in the Mentor-
Protege Program; and

(C) goals for additional awards that the
protege firm can compete for outside the Mentor-Protege Program;

(2) The mentor firm will provide to the protege firm in understanding contract regulations of the Federal Government and the Department of Defense (inclu-
ding the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supple-
ment) after award of a subcontract under this section, if applicable.

(3) A developmental program term for any period of not more than three years, except that the term may be a period of up to five years if the Secretary of Defense determines in writing that unusual circumstances jus-
tify a program participation term in excess of three years.

(4) Procedures for the protege firm to term-
inate the agreement voluntarily and for the mentor firm to terminate the agreement for cause.

(f) FORMS OF ASSISTANCE.—A mentor firm may provide a protege firm the follow-
ing:

(1) Assistance, by using mentor firm per-
onnel, including—

(A) general business management, includ-
ing organizational management, financial manage-
ment, and personnel management, marketing, and overall business planning;

(B) technical and technical matters such as production, inventory control, and quality assurance; and

(C) any other assistance designed to de-
velop the capabilities of the protege firm under the developmental program referred to in subsection (e).

(2) Award of subcontracts on a non-
competitive basis to the protege firm under the Department of Defense or other con-
tracts.

(3) Payment of progress payments for perfor-
man ces of the protege firm under such a sub-
contract in amounts as provided for in the sub-
contract, but in no event may any such progress payment exceed 100 percent of the costs incurred by the protege firm for the performance.

(4) Advance payments under such sub-
contracts.

(5) Assistance.

(6) Assistance obtained by the mentor firm for the protege firm from one or more of the follow-
ing—

(A) any one or more of the business development centers established pursuant to section 21 of the Small Business Act (15 U.S.C. 648);
SEC. 863. SMALL BUSINESS INTEGRATION WORKING GROUP.

(a) IN GENERAL.—The Secretary of Defense shall create a small business integration working group, to be led by the Director of the Department of Defense Office of Small Business Programs, which convenes at least four times per year to integrate department-wide small business efforts, including—

(1) improving the alignment between disparate small businesses and industrial base programs across the Department of Defense;

(2) providing oversight of small business efforts department-wide;

(3) unifying small business policy, acquisition workforce development, and transition of emerging technologies into programs of record as required under the Small Business Strategy; and

(4) reducing barriers to entry for small businesses and non-traditional vendors into the defense industrial base.

(b) MEMBERSHIP.—The integration working group shall be comprised of representatives from each of the following organizations:

(1) Each of the military services' small business offices.

(2) Each of the military service's small business innovation research and development programs, small business technology transfer programs.

(3) The office of the Under Secretary of Defense for Acquisition and Sustainment.

(4) The office of the Under Secretary of Defense for Research and Engineering.

(c) BRIEFING REQUIRED.—Not later than March 1, 2023, the Director of the Office of Small Business Programs shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the establishment and activities of the working group, policies enacted to allow for the sharing of best practices, and practices for conducting oversight.

SEC. 864. DEMONSTRATION OF COMMERCIAL DUE DILIGENCE FOR SMALL BUSINESS PROGRAMS.

(a) DEMONSTRATION REQUIRED.—Not later than December 31, 2027, the Secretary of Defense shall conduct a demonstration of commercial due diligence tools, techniques, and processes in order to support small businesses in identifying attempts by malicious foreign actors to gain undue access or influence, oversight, control, or influence over technology they are developing or that are developed on behalf of the Department of Defense.

(1) The demonstration required under subsection (a) shall include the following elements:

(A) Identification of an entity to be responsible for the commercial due diligence process, including interfacing with small business and law enforcement community.

(B) An assessment of existing commercial due diligence processes conducted by component small business offices.

(C) Development of tactics, techniques, and procedures for tools and processes that support commercial due diligence analysis to monitor and assess attempts by malicious foreign actors to gain undue access or influence, oversight, control, or influence over technology they are developing or that are developed on behalf of the Department of Defense, including—

(A) providing a feedback loop with small business to provide two-way information sharing; and

(B) identifying, assessing, and demonstrating commercially available tools and services.

(2) Identification of process improvements or gaps in resources, capabilities, or authorities, as well as other lessons learned.

(3) Development of training and awareness materials for small business that can be shared directly or through the Procurement Technical Assistance Centers.
(6) Implementation of metrics or measures of performance that can be tracked to assess the effectiveness of the commercial due diligence demonstration.

(c) The Director of the Defense Health Agency shall—

(1) not later than one year after the issuance of the guidance required under subsection (a) and the solicitation of competitive proposals for key advanced system development areas; and

(2) establish a working group—

(A) to assess risks to the Department's pharmaceutical supply chain;

(B) to identify the pharmaceuticals most critical to the Department's medical treatment facilities; and

(C) to establish policies for allocating scarce pharmaceutical resources of the Department of Defense in case of a supply disruption.

SEC. 872. KEY ADVANCED SYSTEM DEVELOPMENT ACTIVITY.

(a) IN GENERAL.—Not later than March 1, 2022, and every 180 days thereafter, the Secretary of the Army shall seek to maximize—

(1) industry days required under subsection (a) for each key advanced system development area;

(2) raise awareness within the Department of the potential requirements related to the key advanced system development area;

(b) RESPONSIBILITIES.—

(1) CHIEFS OF ARMED FORCES.—The chief of each of the armed forces responsible for conducting the demonstration shall—

(A) key advanced system development areas; and

(B) capability needs and existing and potential requirements related to the key advanced system development area.

(2) ELEMENTS.—Guidance under paragraph (1) shall include the following:

(A) a description of the methodology for conducting the demonstration;

(B) the results of the methodology for executing the demonstration, including any analytical tools or metrics identified to support the process;

(3) any preliminary findings.

(d) ASSESSMENT.—Not later than March 1, 2022, the Secretary shall provide a final assessment report of the demonstration required under subsection (a), including any identified instances of attempts by malicious foreign actors to gain undue access or foreign oversight, control, and influence over small business technology, and any preliminary findings.

(e) CONGRESSIONAL REPORT.—Not later than April 1, 2023, the Secretary of Defense shall provide the congressional defense committees with an interim briefing on the demonstration required under subsection (a), including—

(1) identification of the identified organization for conducting the demonstration;

(2) the methodology for executing the demonstration, including any analytical tools or metrics identified to support the process;

(3) a description of any identified instances of attempts by malicious foreign actors to gain undue access or foreign oversight, control, and influence over small business technology, and any preliminary findings.

(f) CONGRESSIONAL REPORT.—Not later than one year after the issuance of the guidance required under subsection (a) and the solicitation of competitive proposals for key advanced system development areas.

SEC. 865. IMPROVEMENTS TO PROCUREMENT TECHNICAL ASSISTANCE CENTER.

(a) FUNDING LIMIT APPLICABLE TO PROGRAMS OPERATING ON STATEWIDE BASIS.—Section 4961(a)(1) of title 10, United States Code, is amended by striking “$1,000,000” and inserting “$1,500,000”.

(b) ADMINISTRATIVE COSTS.—Section 4961 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “three percent” and inserting “four percent”;

(2) in paragraph (2)–

(A) by striking “Director” and inserting “Secretary”;

(B) in subparagraph (A), by inserting “including meetings of any association of such entities,” after “for meetings.”

Subtitle E—Other Matters

SEC. 871. RISK MANAGEMENT FOR DEPARTMENT OF DEFENSE PHARMACEUTICAL SUPPLY CHAINS.

(a) RISK MANAGEMENT FOR ALL DEPARTMENT OF DEFENSE PHARMACEUTICAL SUPPLY CHAINS.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall—

(1) develop and issue implementing guidance for risk management for Department of Defense supply chains for pharmaceutical material for the Department;

(2) identify, in coordination with the Secretary of the Army, vulnerability information gaps regarding the Department's reliance on foreign suppliers of drugs, including active pharmaceutical ingredients and related products; and

(3) submit to Congress a report regarding—

(A) existing information streams, if any, that may be used to assess the reliance by the Department on high-risk foreign suppliers of drugs;

(B) vulnerabilities in the drug supply chains of the Department of Defense; and

(C) any necessary actions to address—

(i) information gaps identified under paragraph (2); and

(ii) any risks related to such reliance on foreign suppliers of drugs.

(b) RISK MANAGEMENT FOR DEPARTMENT OF DEFENSE PHARMACEUTICAL SUPPLY CHAIN.—

The Director of the Defense Health Agency shall—

(1) not later than one year after the issuance of the guidance required under subsection (a) and the solicitation of competitive proposals for the key advanced system development area for pharmaceuticals; and

(2) establish a working group—

(A) to assess risks to the Department's pharmaceutical supply chain;

(B) to identify the pharmaceuticals most critical to the Department's medical treatment facilities; and

(C) to establish policies for allocating scarce pharmaceutical resources of the Department of Defense in case of a supply disruption.

SEC. 873. MODIFICATION OF PROVISION RELATING TO DETERMINATION OF CERTAIN ACTIVITIES WITH UNUSUALLY HAZARDOUS RISKS.

(a) UpDATES REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, acting through the Under Secretary for Intelligence and Security and the Director of the Joint Staff, provide the Congress, in a format that includes—

(A) a current list of all critical high-risk programs, including any newly identified critical high-risk programs;

(B) descriptions of the critical high-risk programs and other significant information identified by the Under Secretary for Intelligence and Security and the Director of the Joint Staff as appropriate.

(b) Monitoring of Progress.—In tracking the progress in carrying out subsection (a), the Under Secretary for Intelligence and Security shall report to the Congress and—

(1) at least every 6 months before each congressional session or other period of regular adjournment;

(2) after the conclusion of each calendar year.
include document portion marking for controlled unclassified information, and the dates when controlled unclassified information guidance updates are completed.

(2) In order to ensure that all government and contractor personnel using the guides described in subsection (a)(1) receive instruction, as well as periodic spot checks, to ensure that training is sufficient and properly implemented to ensure consistent application of document portion marking guidance.

(3) The Assistant Secretary of Defense and the Deputy Assistant Secretary of Defense shall provide direct access to the Congressional Defense subcommittees with respect to reports and briefings required to be submitted to Congress in a comma-separated value spreadsheet;

(B) sortable and exportable database views for tracking and research purposes;

(D) automated notification of relevant congressional staff and archival systems; and

(E) integration with Microsoft Office.

SEC. 903. LIMITATION ON USE OF FUNDS UNTIL DEPARTMENT OF DEFENSE COMPLETES REVIEW RELATING TO ALIGNMENT OF CLOSE COMBAT LETHALITY TASK FORCE.

Of the funds authorized to be appropriated by section 301 for fiscal year 2023 for operation and maintenance, Defense-wide, and available as specified in the funding table in section 4301 for the Office of the Secretary of Defense, not more than 75 percent may be obligated or expended until the Department of Defense completes with the requirements of section 911 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1878) (relating to alignment of Close Combat Lethality Task Force).

Subtitle B—Other Department of Defense Organization and Management

SEC. 911. MODIFICATION OF REQUIREMENTS THAT ARE RESPONSIBILITY OF ARMED FORCES NOT JOINT REQUIRED OVERSIGHT COUNCIL.

Section 181(e) of title 10, United States Code, is amended to read as follows:

(‘‘(c) PERFORMANCE REQUIREMENTS AS RESPONSIBILITY OF ARMED FORCES.—

‘‘(1) IN GENERAL.—The Chief of Staff of an armed force is responsible for—

(A) all performance requirements for that armed force; and

(B) except as provided in paragraph (3), all inventory objective requirements for that armed force, including weapon systems and overall levels of weapons systems.
“(2) REQUIREMENTS NOT REQUIRED TO BE VALIDATED.—Except for requirements specified in subsections (b)(4) and (b)(5), requirements described in paragraph (1) are not required to be reviewed by the Joint Requirements Oversight Council.

“(3) INVENTORY OBJECTIVE REQUIREMENTS FOR NAVAL VESSELS TO TRANSPORT MARINES.—The Commandant of the Marine Corps shall be responsible for inventory objective requirements for naval vessels with the primary mission of transporting Marines.”

SEC. 912. REDUCTION IN REQUIREMENTS TO UNIFIED COMMAND PLAN.

Section 161(b)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by moving such clauses, as so redesignated, two sentences to the right;

(2) by striking “the President shall notify” and inserting the following: “the President shall notify”;

“(A) notify”;

(3) in clause (ii), as redesignated by paragraph (1), by striking the period at the end and inserting “; and”;

(4) in paragraph (3), by striking “The Secretary of the Department of Defense, after the” and inserting “the Secretary of the Department of Defense,”;

(6) in paragraph (5), by striking “the Chief Information Officer of the Department of Defense,” and inserting “Chief Information Officer of the Department of the Secretary of Defense,”;

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

“(B) during that 60-day period, provide to the congressional defense committees a briefing on the revisions described in subparagraph (A)(ii).”

SEC. 913. UPDATES TO MANAGEMENT REFORM FRAMEWORK.

Section 125 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “2022” and inserting “2023”;

(B) in paragraph (5), by inserting “the Director for Administration and Management of the Department of Defense,” after “the Chief Information Officer of the Department of Defense,”;

(2) in subsection (d)—

(A) by redesignating paragraph (6) as paragraph (9); and

(B) by inserting after paragraph (5) the following new paragraphs:

“(6) Development and implementation of a uniform methodology for tracking and assessing cost savings and cost avoidance from reform initiatives.

“(7) Incorporation of reform-focused research to improve management and administrative science.

“(8) Tracking and implementation of technology investments to improve management decision-making, such as artificial intelligence tools.”;

SEC. 914. STRATEGIC MANAGEMENT DASHBOARD DEMONSTRATION.

(a) IN GENERAL.—The Secretary of Defense shall conduct a demonstration of a strategic management dashboard to automate the data collection and visualization of the primary management goals of the Department of Defense.

(b) REQUIREMENTS.—The Secretary shall ensure that the strategic management dashboard demonstrated under subsection (a) includes the following:

(1) The capability for real-time monitoring of the performance of the Department in meeting the management goals of the Department.

(2) Integrated analytics capability, including the ability to dynamically add or upgrade new capabilities when needed.

(3) Integration with the framework required in subsection (c) of section 252a of title 10, United States Code, for measuring the progress of the Department toward covered elements of reform (as defined in subsection (c) of that section).

(4) Incorporation of the elements of the strategic management plan required by section 904(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2201 note prec.), as derived from automated data feeds from existing information systems and databases.

(5) Incorporation of the elements of the most recent annual performance plan of the Department required by section 1115(b) of title 10, United States Code, and the most recent update on performance of the Department required by section 1116 of that title.

(6) Use of artificial intelligence and machine learning to improve decision making and assessment relating to data analytics.

(7) Adoption of leading and lagging indicators for key strategic management goals.

(c) AUTHORITIES.—

(1) IN GENERAL.—In conducting the demonstration required by subsection (a), the Secretary may use the authorities described in paragraph (2), and such other authorities as the Secretary considers appropriate—

(A) to help spur innovative technological or process approaches; and

(B) to attract new entrants to solve the data management and visualization challenges of the Department.

(2) AUTHORIZED TO SELECT.—The authorities described in this paragraph are the authorities provided under the following provisions of title 10 of United States Code:

(A) Section 4025 of title 10, United States Code (relating to prizes for advanced technology achievements).

(B) Section 9082 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2222 note) (relating to science and technology activities to support business systems and technology acquisition programs).


(d) USE OF BEST PRACTICES.—In conducting the demonstration required by subsection (a), the Secretary shall leverage commercial best practices in management and leading research in management and data science.

SEC. 915. DEMONSTRATION PROGRAM FOR COMPONENT CONTENT MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Not later than July 1, 2023, the Secretary of the Department of Defense, in coordination with the Chief Digital and Artificial Intelligence Officer and the Director of the Joint Artificial Intelligence Center, shall complete a pilot program to demonstrate the application of component content management systems to a distinct set of data of the Department.

(b) SELECTION OF DATA SET.—In selecting a distinct set of data of the Department for purposes of the pilot programs required by subsection (a), the Chief Information Officer shall consult with, at a minimum, the following:

(1) The Office of the Secretary of Defense with respect to directives, instructions, and other regulatory documents of the Department.

(2) The Office of the Secretary of Defense and the Joint Staff with respect to execution orders.

(3) The Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics with respect to technical manuals.

(4) The Office of the Under Secretary of Defense for Research, Development, and Acquisition with respect to Contract Data Requirements List documents.

(c) AUTHORITY TO ENTER INTO CONTRACTS.—Subject to the availability of appropriations, the Secretary of Defense may enter into contracts or transactions with public or private entities to conduct studies and demonstration projects under the pilot program required by subsection (a).

(d) BRIEFING REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Chief Information Officer shall provide to the congressional defense committees a briefing on plans to implement the pilot programs conducted under this section.

Subtitle C—Space Force Matters

SEC. 921. VICE CHIEF OF SPACE OPERATIONS.

(a) CODIFICATION OF POSITION OF VICE CHIEF OF SPACE OPERATIONS.—Chapter 908 of title 10, United States Code, is amended by inserting after section 9082 the following new section:

“9082a. Vice Chief of Space Operations

“(a) APPOINTMENT.—There is a Vice Chief of Space Operations, appointed by the President, by and with the advice and consent of the Senate, from officers on the active-duty list of the Space Force not restricted in the performance of duty.

“(b) GRADE.—The Vice Chief of Space Operations, while so serving, has the grade of four-star general without vacating his permanent grade.

“(c) AUTHORITY AND DUTIES.—The Vice Chief of Space Operations has such authority and duties with respect to the Space Force as the Chief, with the approval of the Secretary of the Air Force, may delegate to or prescribe for the Vice Chief. Orders issued by the Vice Chief in performing such duties have the same effect as those issued by the Chief.

“(d) VACANCIES.—When there is a vacancy in the office of the Vice Chief of Space Operations or in the space force, the President directs otherwise, the most senior officer of the Space Force in the Headquarters, Space Force, who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief until a successor to the Chief is appointed or the absence or disability ceases;

“(2) if there is a vacancy in the office of the Vice Chief of Space Operations or the Vice Chief of Space Operations is absent or disabled, unless the President directs otherwise, the most senior officer of the Space Force in the Headquarters, Space Force, who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief until a successor to the Chief or the Vice Chief of Space Operations is appointed or the absence or disability ceases, whichever occurs first.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 908 of title 10, United States Code, is amended by inserting after the item relating to section 9082 the following new item:

“9082a. Vice Chief of Space Operations.

SEC. 922. ESTABLISHMENT OF FIELD OPERATING AGENCIES AND DIRECT REPORTING UNITS OF THE SPACE FORCE.

(a) IN GENERAL.—Chapter 908 of title 10, United States Code, is amended by adding at the end the following new section:

“9087. Field operating agencies and direct reporting units.

“(a) AUTHORITY.—The Secretary of the Space Force may establish within the Space Force the following:

“(1) An Enterprise Talent Management Office to provide whole-of-life cycle talent management aligned to the needs of the Space Force.

“(2) A Space Warfare Analysis Center to conduct analysis, data science and machine learning, and experimentation to create operational concepts and develop future force design options.

“(b) ORGANIZATION.—

“(1) ENTERPRISE TALENT MANAGEMENT OFFICE.—If, pursuant to the authority provided...
by subsection (a)(1), the Secretary establishes a Enterprise Talent Management Office, the Office shall operate as a field operating agency of the headquarters of the Space Force.

"(2) SPACE WARRIORS ANALYSIS CENTER.—If, pursuant to the authority provided by subsection (a)(2), the Secretary establishes a Space Warfighting Analysis Center, the Center shall operate as a direct reporting unit of the Chief of Space Operations."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 908 of title 10, United States Code, made by the Defense Officer Personnel Management Act (Public Law 96–513; 94 Stat. 2835);

(1) the feasibility and advisability of—
   (A) exempting the proposed Space Component from the existing "up or out" system of officer career advancement first established by the Secretary of Defense, with the consent of the Secretary of the Air Force, under section 202(h)(7) of title 10, United States Code, made by the Defense Officer Personnel Management Act (Public Law 96–513; 94 Stat. 2835);
   (B) combining active and reserve components in a new, single Space Component and whether a similar outcome could be achieved without the existing active and reserve components; (C) transferring statutory exchanges to allow reserve officers to serve on sustained active duty;
   (D) creating career flexibility for reserve members of the Space Component, including in shifting retirement points earned from one year to the next and allowing members of the Space Component to move back and forth between active and reserve status for prolonged periods of time across a career;
   (2) the implications of the proposed reorganization of the Space Force on the development of space as a warfighting domain in the profession of arms, particularly with respect to officer leadership, development, and stewardship of the profession;
   (3) whether current government ethics regulations are adequate to address potential conflicts of interest for Space Component officers who seek to move back and forth between sustained active duty and working for private sector organizations in the space industry as reserve officers in the Space Component;
   (4) whether the proposed Space Component framework is consistent with the joint service requirements of chapter 38 of title 10, United States Code;
   (b) budgetary implications of the establishment of the Space Component;
   (6) the nature of the relationship with private industry and civilian employers that would be required and consistent with professional ethics to successfully implement the Space Component; and
(7) any other issues the Secretary or the federally funded research and development center considers relevant.

(c) DIVERSITY AND INCLUSION.—The study referred to in subsection (a) shall include an assessment of the proposed reorganization of the Space Force and the establishment of the Space Component on advancing diversity and inclusion in the Space Component.

(d) LIMITATION ON DELEGMATION.—The authority of the Secretary to enter into a contract under subsection (a) may not be delegated below the Office of the Secretary of Defense for Personnel and Readiness.

(e) REPORT REQUIRED.—Not later than December 31, 2023, 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 study referred to in subsection (a).

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations transferred by an amount equal to the amount transferred by an amount equal to the amount transferred.

(b) LIMITATIONS.—(1) any changes in the observed or anticipated inflation indices included in the report required under subsection (a);

(2) any actions taken by the Department of Defense to respond to changes discussed in such report, with specific dollar value figures; and

(3) any requests for equitable adjustment received by the Department of Defense, economic price adjustment clauses, or bilateral contract modifications to include an EPA made since the transmission of the report required under subsection (a).

Subtitle B—Counterdrug Activities

SEC. 1011. EXTENSION OF AUTHORITY AND ANNUAL REPORT ON UNIFIED COUNTERDRUG AND COUNTERTERROISM CAMPAIGN IN COLOMBIA.

(a) AUTHORITY.—(1) AUTHORITY.—The authority provided by subsection (a) to transfer authorizations—
(2) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and
(3) may not be used to provide authority for an item that has been denied authorization by Congress.

(b) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. REPORT ON BUDGETARY EFFECTS OF INFLATION.

(a) ANNUAL REPORT.—Not later than 30 days following the submission of the President's budget under section 1105 of title 31, United States Code, the Secretary of Defense shall deliver to the congressional defense committees a report on observed and anticipated budgetary effects related to inflation, including—

(1) the relevant inflation index used and the estimated and actual inflationary budgetary effects by sub-appropriation account for the previous two fiscal years and the current budget year;

(2) the enacted or requested appropriation amount by sub-appropriation;

(3) a calculation of estimated budgetary effects due to inflation using the previous fiscal year's estimated indices compared to those of the current fiscal year;

(4) a summary of any requests for equitable adjustment, exercising of economic price adjustment (EPA) clauses, or bilateral contract modifications to include an EPA, including the contract type and fiscal year and type and amount of appropriation used for the contract;

(5) a summary of any methodological changes in Department of Defense cost estimation practices for inflationary budgetary effects; and

(6) any other matters the Secretary determines appropriate.

(b) PERIODIC BRIEFING.—Not later than 60 days following the conclusion of the Department of Defense budget mid-year review, the Secretary of Defense shall provide the congressional defense committees with a briefing on—

(1) any changes in the observed or anticipated inflation indices included in the report required under subsection (a);

(2) any actions taken by the Department of Defense to respond to changes discussed in such report, with specific dollar value figures; and

(3) any requests for equitable adjustment received by the Department of Defense, economic price adjustment clauses exercised, or bilateral contract modifications to include an EPA made since the transmission of the report required under subsection (a).
SEC. 1022. AMPHIBIOUS WARSHIP FORCE STRUCTURE.

Section 8022 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2) by striking ‘‘2023′′ and inserting ‘‘2024’’;

(B) in paragraph (3) by striking the period at the end and inserting ‘‘; and’’;

(C) by adding at the end the following:

‘‘(12) USNS John Glenn (T–ESD 2).’’;

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

‘‘(1) USS Vicksburg (CG 69).’’;

(2) The Deputy Secretary of Veterans Affairs—

(A) establishes the Joint Executive Charge Review Board Committee;

(B) in paragraph (1) by striking ‘‘December 31, 2022’’ and inserting ‘‘December 31, 2023’’;

(3) by redesigning paragraphs (1) through (6) as paragraphs (3) through (9), respectively;

(4) by inserting after paragraph (6) the following new paragraph:

‘‘(7) The Deputy Secretary of Veterans Affairs, in coordination with the Department of Defense, shall, no later than 180 days after the date of enactment of this Act, report to the Senate Committee on Veterans’ Affairs and such other officers and employees of Congress that the Secretary of the Department of Veterans Affairs may designate.’’;

SEC. 1023. MODIFICATION TO LIMITATION ON DECOMMISSIONING OR INACTIVATING A BATTLE FORCE SHIP BEFORE THE END OF EXPECTED SERVICE LIFE.

(a) In General.—Section 8678a(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ‘‘2022’’ and inserting ‘‘2023’’;

(2) in paragraph (3) by striking ‘‘2022’’ and inserting ‘‘2023’’; and

(3) by adding at the end the following:

‘‘(J) For any class of battle force ship for which the procurement of the final ship of the class is proposed for fiscal year 2023 the Secretary of Defense may only enter into a contract with a private entity for maintenance and modernization availability for a fast attack submarine that requires drydocking the submarine if the following conditions are met:

(1) The submarine is a Virginia-class submarine.

(2) The submarine has not conducted a previous drydock availability.

(3) The work package for the contract is sufficiently detailed and provided to the private entity with sufficient time to enable a high-confidence contracting strategy for—

(A) planning;

(B) material procurement;

(C) cost;

(D) schedule; and

(E) performance.

(4) At least 70 percent of the work packages for previous contracts entered into under this subsection.

(b) SURFACE SHIP MAINTENANCE AND MODERNIZATION AVAILABILITIES.—In awarding contracts for maintenance and modernization availabilities for surface ships, issuing task orders for such availabilities, or carrying out other actions with respect to such availabilities, the Secretary of the Navy may not limit evaluation factors to price only.

SEC. 1025. PROHIBITION ON RETIREMENT OF CERTAIN NAVAL VESSELS.

None of the funds authorized to be appropriated by this Act for fiscal year 2023 may be obligated or expended to retire, prepare to retire, or place in storage any of the following naval vessels:

(1) USS Vicksburg (CG 69).

(2) USS San Antonio (LPD 17).

(3) USS Wichita (LCS 13).

(4) USS Billings (LCS 15).

(5) USS Indianapolis (LCS 17).

(6) USS St. Louis (LCS 44).

(7) USS Germantown (LSD 42).

(8) USS Gunston Hall (LSD 44).

(9) USS Tortuga (LSD 46).

(10) USS Ashland (LSD 48).

(11) USNS Montford Point (T–ESD 1).

(12) USNS John Glenn (T–ESD 2).

Subtitle D—Counterterrorism

SEC. 1031. MODIFICATION AND EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the funds authorized to be appropriated by this Act for Fiscal Year 2023 may be obligated or expended to retire, prepare to retire, or place in storage any of the following naval vessels:

(1) USS Vicksburg (CG 69).

(2) USS San Antonio (LPD 17).

(3) USS Wichita (LCS 13).

(4) USS Billings (LCS 15).

(5) USS Indianapolis (LCS 17).

(6) USS St. Louis (LCS 44).

(7) USS Germantown (LSD 42).

(8) USS Gunston Hall (LSD 44).

(9) USS Tortuga (LSD 46).

(10) USS Ashland (LSD 48).

(11) USNS Montford Point (T–ESD 1).

(12) USNS John Glenn (T–ESD 2).

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. DEPARTMENT OF DEFENSE—DEPARTMENT OF VETERANS AFFAIRS DISCHARGE REVIEW BOARD COMMITTEE.

(a) Establishment of Joint Executive Committee.—

(1) IN GENERAL.—There is established an interagency committee to advise the Under Secretary of Defense for Personnel and Readiness and the Deputy Secretary of Veterans Affairs on matters relating to the discharge review boards under section 1585 of title 10, United States Code.

(2) DESIGNATION.—The interagency committee established under paragraph (1) shall be known as the ‘‘Department of Defense-Department of Veterans Affairs Discharge Review Board Committee’’ (hereafter in this section referred to as the ‘‘Committee’’).

(b) MEMBERSHIP.—The Committee shall be composed of the following:

(1) The Under Secretary of Defense for Personnel and Readiness; the Assistant Secretary of Manpower and Reserve Affairs for each of the military services, and such other officers and employees of the Department of Defense as the Secretary of Defense may designate.

(2) The Deputy Secretary of Veterans Affairs and such other officers and employees of the Department of Veterans Affairs as the Secretary of Veterans Affairs may designate.
SEC. 1042. MODIFICATION OF PROVISIONS RELATING TO CROSS-FUNCTIONAL TEAM FOR EMERGING THREATS TO ANOMALOUS HEALTH INCIDENTS.

Section 910 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 111 note) is amended—

1. In paragraph (1), by striking "and any other measures necessary; and after "necessary; and" inserting "including the causation, attribution, mitigation, identification, and treatment for such incidents;"

2. In paragraph (e), by inserting "and deconflict" after "interact;"

3. By striking "agencies" and inserting "agency"

4. By striking the period at the end and inserting "and"

5. By adding the following new paragraph:

"(3) any other efforts regarding such incidents that the Secretary considers appropriate;"

SEC. 1043. CIVILIAN CASUALTY PREVENTION, MITIGATION, AND RESPONSE.

(a) Establishment of Office for Civilian Casualty Prevention, Mitigation, and Response.—

1. The Secretary of Defense shall establish an office (referred to as the 'Office'), to serve as the focal point for matters related to civilian casualties and other forms of civilian harm resulting from military operations involving the United States Armed Forces.

2. The Office shall be under the authority, direction, and control of the Secretary of Defense.

(b) Responsibilities.—Subject to the authority, direction, and control of the Secretary, the Office shall have the following responsibilities:

1. Collecting data and reports of investigations related to civilian casualty incidents;

2. Analyzing data and trends with respect to civilian casualties;

3. Conducting regular reviews of civilian harm prevention, mitigation, and response policies and practices across the Department of Defense;

4. Referring civilian casualty incidents for investigation by appropriate components within the Department of Defense, when necessary;

5. Making recommendations to the Secretary and the Joint Chiefs of Staff to improve civilian harm prevention, mitigation, and response;

6. Ensuring lessons learned from investigations of civilian casualty incidents are captured and institutionalized within policy, training, and tactics, techniques, and procedures of the Department of Defense;

7. Coordinating and synchronizing efforts across the Department of Defense, the Department of State, and other relevant United States Government departments and agencies to prevent, mitigate, and respond to civilian casualty incidents;

8. Engaging with nongovernmental organizations and civilian casualty experts; and

9. Such other responsibilities as are directed by the Secretary.

(c) Director.—The head of the Office shall be the Director, who shall be appointed by the Secretary from among individuals qualified to serve as the Director who have significant experience and expertise relating to the protection of civilians.

(d) Analysis Required.—

1. In general.—Not later than one year after the date of the enactment of this section, the Office shall complete and submit to the Secretary an analysis of a representative sample of civilian casualty assessment reports and other reports of investigations of civilian casualty incidents on or after August 1, 2014—

(a) To identify trends in civilian casualty incidents;

(b) To identify factors contributing to civilian casualties;

(c) To capture lessons learned from civilian casualty incidents; and

(d) To evaluate the extent to which such lessons have been incorporated into policy, training, and tactics, techniques, and procedures of the Department of Defense.

(2) Recommendations.—The analysis required by paragraph (1) shall include recommendations to the Secretary for improving civilian harm prevention, mitigation, and response.

(3) Semiannual Reports.—Not later than 180 days after the date of the enactment of this section, and every 180 days thereafter until the date is 2 years after such date of enactment, the Director, in consultation with the congressional defense committees, shall submit to the congressional defense committees a report on the status of the implementation by the Department of Defense of recommendations included in—

(a) the Civilian Casualty Review released by the Joint Staff in April 2018;

(b) the independent assessment of Department of Defense standards, procedures, and policy relating to civilian casualties resulting from United States military operations required by section 1721 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1809); and

(c) the Civilian Harm Mitigation and Response Action Plan the Secretary of Defense directed to be developed on January 27, 2022.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 4 of such title is amended by adding at the end the following new item:

(148. Office for Civilian Casualty Prevention, Mitigation, and Response.

SEC. 1044. PROHIBITION ON DELEGATION OF AUTHORITY TO FOREIGN PARTNER FORCES AS ELIGIBLE FOR THE PROVISION OF COLLECTIVE SELF-DEFENSE SUPPORT BY UNITED STATES ARMED FORCES.

(a) Prohibition on Delegation.—The authority to designate foreign partner forces as eligible for the provision of collective self-defense support by the United States Armed Forces may not be delegated below the Secretary of Defense.
designations of foreign partner forces as eligible for the provision of collective self-defense support by the United States Armed Forces and provide the congressional defense committees with a determination that such designations remain valid.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as invalidating a designation of foreign partner forces as eligible for the provision of collective self-defense support by the United States Armed Forces that is in effect as of the date of the enactment of this Act.

(d) COLLECTIVE SELF-DEFENSE DEFINED.—In this section, the term ‘collective self-defense’—
(1) means a designation of forces to be used to defend designated foreign partner forces, their facilities, and their property.

SEC. 1045. PERSONNEL SUPPORTING THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS COMMAND—LOW INTENSITY CONFLICT

(a) PLAN REQUIRED.—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 adequately staffing the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to fulfill the responsibilities assigned by title 10, United States Code, for exercising authority, direction, and control of all special-operations peculiar administrative matters affecting special operations forces.

(b) ADDITIONAL INFORMATION.—The Secretary shall ensure the plan required under subparagraph (a) includes the following elements:

(1) A description of the operational chain of command principles of joint all domain command and control, demonstrating the ability to execute the integrated effects chains identified in subparagraph (A).

(2) A description of the mission and lines of effort of the joint force headquarters as described in paragraph (1).

(3) A description of the mission and lines of effort of the joint force headquarters to solve the operational challenges identified in subparagraph (A).

(4) Integrate the planning and demonstrations of effort with the Commander of the United States Indo-Pacific Command to serve as the transition partner for the integrated effects chains to the area of operations of such command.

(c) TACTICAL DISSEMINATION AND INFORMATION SHARING SYSTEMS.—The Secretary shall take the following actions:

(1) Create a plan to deploy the effects chains to the area of operations of United States Indo-Pacific Command and execute them at the scale and pace required to solve the identified operational challenges, including necessary logistics and sustainment capabilities.

(2) Designate the Commander of United States Indo-Pacific Command to serve as the transition partner for the integrated effects chains, and incorporate and exercise them as operational capabilities.

(3) Designate the Strategic Capabilities Office and such other organizations as the Deputy Secretary deems appropriate to be—

(A) identifying coordinated and joint all domain command and control efforts that can be taken within the Future Years Defense Program focused on critical deterrence postures, in support of the National Defense Strategy on adversary engagement, and integrated effects chains.

(B) designing and demonstrating the integrated effects chains under the mission management and control effort established by section 871 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81); and

(C) exercising other joint all domain command and control capabilities and functions.

(D) OTHER MATTERS.—The Secretary considers appropriate.

STRICTLY CONFIDENTIAL

Conclusion

The conclusions of the study shall be submitted to the congressional defense committees by the date specified in section 871 of the National Defense Authorization Act for Fiscal Year 2022.

(4) ANNUAL REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the planning and demonstrations of effort with the Commander of the United States Indo-Pacific Command and the Joint Chiefs of Staff about Joint All Domain Command and Con-
to the congressional defense committees an annual report on such joint force headquarters.

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

(A) A description of the mission and lines of effort of the joint force headquarters.
(B) An examination of personnel and other resources supporting the joint force headquarters, including support external to the headquarters.
(C) A description of the operational chain of command of the joint force headquarters.
(D) An assessment of the manning and resourcing of the joint force headquarters, relative to assigned mission.
(E) A description of the relationship with existing entities in Indo-Pacific Command, including an assessment of complementary and duplicative activities with such entities and the joint force headquarters.
(F) Form.—Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(g) DEFINITIONS.—In this section:

(1) The term “Family of Integrated Targeting Nodes” means the Maritime Targeting Cell-Afloat, the Maritime Targeting Cell- Expeditionary, the Tactical Intelligence Targeting Access Node, and other interoperable tactical ground stations able to task the collection of, receive, process, and disseminate track and targeting information from many sensing systems in austere communications conditions.
(2) The term “joint all domain command and control” means the warfighting capability to sense, make sense, and act at all levels and phases of war, across all domains, and with partners, to deliver information advantage at the speed of relevance.
(3) The term “mission command” means pre-deployed, pre-approved, operational event-driven authorities and capabilities that ensure decentralized mission execution and operational effectiveness during situations where communications are denied, disconnected, intermittent, and limited.

SEC. 1047. EXTENSION OF ADMISSION TO GUAM OR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR CERTAIN NONMIGRANT H-2B VISAS.

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. 1866(b)(1)(B)), is amended, in the matter preceding clause (1), by striking “December 31, 2023” and inserting “December 31, 2029”.

SEC. 1048. DEPARTMENT OF DEFENSE SUPPORT FOR CIVIL AUTHORITIES TO ADDRESS THE ILLEGAL IMMIGRATION CRISIS AT THE SOUTHWEST BORDER.

(a) FINDINGS.—Congress finds the following:

(1) The Department of Defense has provided substantial support to U.S. Customs and Border Protection along the southwest border.
(2) The Department of Defense’s presence along the southwest border is compatible with U.S. Customs and Border Protection in deterring illegal crossings at the southwest border.
(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) Department of Defense personnel have provided outstanding support to U.S. Customs and Border Protection along the southwest border.
(2) The Department of Defense’s Support of Civil Authority Mission has significantly contributed to mitigating the impact of the current security challenges along the southwest border of the United States.
(c) QUARTERLY BRIEFINGS.—Not later than 30 days after enactment of this Act, and every 90 days thereafter through December 31, 2024, the Undersecretary of Defense for Policy shall provide an unclassified briefing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, with a classified component, if necessary, that:

(1) Department of Defense planning to address current and anticipated border support mission requirements as part of the Department’s overall planning, programming, budgeting, and execution process;
(2) The security situation along the southwest border of the United States;
(3) Department of Defense efforts, or updates to existing efforts, to cooperate with Mexico with respect to border security;
(4) The type of support that is currently being provided by the Department of Defense along the southwest border of the United States;
(5) The impact of such efforts and support on Nation’s Counterdrug efforts;
(6) any recommendations for whether the southwest border mission of the Department of Defense should be expanded to respond to the security situation referred to in paragraph (2).

SEC. 1049. DEPARTMENT OF DEFENSE SUPPORT FOR FUNERALS AND RELATED MEMORIAL EVENTS FOR MEMBERS AND FORMER MEMBERS OF CONGRESS.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting the following new subchapter:

"§ 130a. Department of Defense support for funerals and related memorial events for Members and former Members of Congress.

"(a) SUPPORT FOR FUNERALS.—The Secretary of Defense may provide such support as the Secretary considers appropriate for the funeral or related memorial events of a Member or former Member of Congress, including provision of transportation to and from the funeral or other memorial events, in accordance with this section.

"(b) REQUESTS FOR SUPPORT; SECRETARY DETERMINATION.—The Secretary may provide support under this section—

"(1) upon request from the Speaker of the House of Representatives, the Majority Leader of the Senate, or the Minority Leader of the Senate; or

"(2) if the Secretary determines such support is necessary to carry out duties or responsibilities of the Department of Defense.

"(c) USE OF FUNDS.—The Secretary may use funds authorized to be appropriated for operations and maintenance to provide support under this section.

(b) COVERED COMMISSION DEFINED.—In this section, the term “covered commission” means a commission as defined in the following sections of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81):

(1) section 1004 (Commission on Planning, Programming, Budgeting, and Execution Reform);
(2) section 1091 (National Security Commission on Emerging Biotechnology);
(3) section 1094 (Commission on Afghanistan War Commission);
(4) section 1095 (Commission on the National Defense Strategy);
(5) section 1087 (Congressional Commission on the Strategic Posture of the United States).

Subtitle F—Studies and Reports

SEC. 1061. SUBMISSION OF NATIONAL DEFENSE STRATEGY IN CLASSIFIED AND UNCLASSIFIED FORM.

Section 112(g)(1)(D) of title 10, United States Code, is amended by striking “in classified form with an unclassified summary.” and inserting “in both classified and unclassified form. The unclassified form may not be a summary of the classified form.”.

SEC. 1062. REPORT ON IMPACT OF CERTAIN ETHICS REQUIREMENTS ON DEPARTMENT OF DEFENSE RETENTION, TENTION, AND OPERATIONS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center to conduct a study assessing whether the statutory ethics requirements unique to the Department of Defense and as set forth in paragraph (3) have had an impact on the hiring or retention of personnel at the Department of Defense, particularly those with specialized experience or training.

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

(1) An examination of how the statutory ethics requirements set forth in paragraph (3) are inconsistent or incongruent with ethics statutes that apply to all executive branch employees.
(2) An examination of how the statutory ethics requirements set forth in paragraph (3) have impacted hiring and retention of personnel, particularly those with specialized experience or training, at the Department of Defense in comparison to other executive branch agencies not subject to such requirements.
(3) An examination of how any confusion in the interpretation of the statutory ethics...
requirements set forth in paragraph (3)(B) may have impacted the hiring or retention of personnel, particularly those with specialized experience or training, at the Department of Defense.

(D) An examination of how the statutory authorities and information set forth in subparagraphs (B) and (C) of paragraph (3) may impact the ability of the United States Armed Forces to obtain expertise from industry and other groups in support of technology development, supply chain security, and other national security matters.

(E) Any suggested changes to the statutory ethics requirements set forth in paragraph (3) to further the goals behind the requirements by ensuring that the Department of Defense’s ability to hire and retain personnel, and obtain expertise from academia, think tanks, industry, and other groups to support national security.

(3) COVERED ETHICS REQUIREMENTS.—The ethics requirements referred to in paragraph (1) are the following provisions of law:


(B) Section 1045 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 971 note prec.).


(D) Section 988 of title 10, United States Code.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the federally funded research and development center with which the Secretary contracts under paragraph (a) shall submit to the Secretary a report containing the results of the study conducted pursuant to that subsection.

(2) TRANSMITTAL TO CONGRESS.—Not later than 30 days after the Secretary receives the report under paragraph (1), the Secretary shall transmit a copy of the report to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

SEC. 1063. EXTENSION OF CERTAIN REPORTING DEADLINES.

(a) COMMISSION ON PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION REPORT.—Section 1004(g) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1868) is amended—

(1) in paragraph (1), by striking “February 6, 2023” and inserting “August 6, 2023”; and

(2) in paragraph (2), by striking “September 1, 2022” and inserting “March 1, 2024”.

(b) NATIONAL SECURITY COMMISSION ON EMERGING BIOTECHNOLOGY.—Section 1009(g) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1931) is amended—

(1) in paragraph (1), by striking “2 years after” and inserting “2 years and 6 months after”;

and

(2) in paragraph (2), by striking “1 year after” and inserting “1 year and 6 months after”.

(c) COMMISSION ON THE NATIONAL DEFENSE STRATEGY.—Section 1009(g) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1945) is amended—

(1) in paragraph (1), by striking “one year after” and inserting “one year and 6 months after”;

and

(2) in paragraph (2), by striking “180 days after” and inserting “one year after”.

(d) COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.—Section 1067(d) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 2128) is amended—

(1) in paragraph (1), by striking “December 31, 2022” and inserting “June 30, 2023”; and

(2) in paragraph (3), by striking “180 days after” and inserting “one year after”.

Subtitle G—Other Matters

SEC. 1071. ANNUAL RISK ASSESSMENT.

Section 222a of title 10, United States Code, is amended—

(1) in the section heading, by inserting “and risk assessment” after “priorities”;

(2) in subsection (a), by inserting “and risk assessment” after “priorities”;

(3) in subsection (c)—

(A) in the subsection heading, by striking “ELEMENTS” and inserting “UNCATEGORIZED RISK ASSESSMENT REPORT”;

(B) by striking “report under this subsection” and inserting “uncategorized priority report required under subsection (a)”;

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

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

“(d) RISK ASSESSMENT ELEMENTS.—Each risk assessment required under subsection (a) shall specify, in writing, the following:

(1) An assessment of the risks associated with the most recent National Military Strategy (or update) under section 153(b)(1) of this title.

(2) An articulation of the campaign environment, threats, objectives, force planning and sizing constructs, assessments, and assumptions.

(3) Military strategic risks to United States interests and military risks in executing the National Military Strategy (or update).

(4) Identification and definition of levels of risk, including an identification of what constitutes ‘significant’ risk in the judgment of the officer.

(5) Identification and assessment of risk in the National Military Strategy (or update) by category and level and the ways in which risk might manifest itself, including how risk is projected to increase, decrease, or remain stable over time.

(6) For each category of risk, an assessment of the extent to which current or future risk increases, decreases, or is stable as a result of budgetary priorities, tradeoffs, or fiscal constraints or limitations as currently estimated and applied in the current future years defense program under section 221 of this title.

(7) Identification and assessment of risks associated with the assumptions or plans of the National Military Strategy (or update) about the contributions of external support, as appropriate.

(8) Identification and assessment of the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) and identification and assessment of the effect of such deficiencies in the National Military Strategy (or update).

(9) Identification and assessment of risk resulting from, or likely to result from, current or projected effects on military installations or the implementation of the Joint Concept for Competing.

(10) A detailed description of actions taken by the Department of Defense relative to the purposes specified under subsection (b).

(b) UPGRADE OF FACILITIES.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and every 180 days thereafter for 2 years, the Secretary of the Air Force shall provide a report to the congressional defense committees on the implementation of the Joint Concept for Competing.

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

(A) A detailed description of actions taken by the Department of Defense relative to the purposes specified under subsection (b).

(B) An articulation of any new concepts or strategies necessary to support the Joint Concept for Competing.

(C) An articulation of any capabilities, resources, or authorities necessary to implement the Joint Concept for Competing.

(D) An explanation of the manner in which the Joint Concept for Competing relates to and integrates with the Joint Warfighting Concept.

(E) An explanation of the manner in which the Joint Concept for Competing synchronizes and integrates with efforts of other departments and agencies of the United States Government to address long-term strategic competition.

(F) Any other matters the Secretary of Defense determines relevant.

SEC. 1072. PRIORITIZATION AND ACCELERATION OF INVESTMENTS TO ATTAIN AIR FORCE NETWORK LEVEL 4 CAPABILITY AT TRAINING RANGES.

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

(1) the Air Force must train to fight and win in highly contested and competitive environments against technologically advanced adversaries;

(2) in order for the Air Force to be proficient in tactics, techniques, and procedures and effectively execute at an operational level, the Air Force must train in an accurately replicated multi-domain environment for joint operations;

(3) the Air Force can emulate only a fraction of existing and emerging threats to a level suitable for advanced sensors and cannot create an environment with the threats available at the two major training ranges of the Air Force; and

(4) since the Secretary of the Air Force says the Air Force cannot afford to allocate advanced capabilities across all ranges, the Air Force must prioritize developments and upgrades for ranges to ensure that one or more ranges remain the suite of capability to conduct advanced F–35 training.

(b) UPGRADE OF FACILITIES.—
SEC. 1101. ELIGIBILITY OF DEPARTMENT OF DEFENSE TO COMPETE FOR PERMANENT APPOINTMENTS.

Section 3304 of title 5, United States Code, is amended by adding at the end the following:

``(g) ELIGIBILITY OF DEPARTMENT OF DEFENSE EMPLOYEES IN TIME-LIMITED APPOINTMENTS TO COMPETE FOR PERMANENT APPOINTMENTS.—

(1) DEFINITIONS.—In this subsection—

(A) the term 'Department' means the Department of Defense; and

(B) the term 'time-limited appointment' means a temporary or term appointment in the competitive service.

(2) ELIGIBILITY.—Notwithstanding any other provision of this chapter or any other provision of law relating to the examination, certification, appointment, or promotion of individuals in the competitive service, an employee of the Department serving under a time-limited appointment is eligible to compete for a permanent appointment in the competitive service when the Department is accepting applications from individuals within its own workforce, or from individuals outside its own workforce, under merit promotion procedures, if—

(A) the employee was appointed initially under open, competitive examination under subchapter 1 of chapter 51 of title 5; and

(B) the employee has served under 1 or more time-limited appointments within the Department for a total of more than 2 years without a break of 2 or more years; and

(C) the employee's most recent separation from the competitive service occurred not later than 2 years after the most recent date of separation; and

(D) the employee meets the requirements necessary for the administration of this subchapter.

SEC. 1103. EMPLOYMENT AND COMPENSATION OF CIVILIAN PERSONNEL MATTERS.

TITLE XI—CIVILIAN PERSONNEL MATTERS

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(A) the employee was appointed initially under open, competitive examination under subchapter 1 of chapter 51 of title 5; and

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(C) the employee's most recent separation from the competitive service occurred not later than 2 years after the most recent date of separation; and

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(B) the employee has served under 1 or more time-limited appointments within the Department for a total of more than 2 years without a break of 2 or more years; and

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(B) the term 'time-limited appointment' means a temporary or term appointment in the competitive service.

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(A) the employee was appointed initially under open, competitive examination under subchapter 1 of chapter 51 of title 5; and

(B) the employee has served under 1 or more time-limited appointments within the Department for a total of more than 2 years without a break of 2 or more years; and

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(A) the employee was appointed initially under open, competitive examination under subchapter 1 of chapter 51 of title 5; and

(B) the employee has served under 1 or more time-limited appointments within the Department for a total of more than 2 years without a break of 2 or more years; and

(C) the employee's most recent separation from the competitive service occurred not later than 2 years after the most recent date of separation; and

(D) the employee meets the requirements necessary for the administration of this subchapter.

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(A) the term 'Department' means the Department of Defense; and

(B) the term 'time-limited appointment' means a temporary or term appointment in the competitive service.

(2) ELIGIBILITY.—Notwithstanding any other provision of this chapter or any other provision of law relating to the examination, certification, appointment, or promotion of individuals in the competitive service, an employee of the Department serving under a time-limited appointment is eligible to compete for a permanent appointment in the competitive service when the Department is accepting applications from individuals within its own workforce, or from individuals outside its own workforce, under merit promotion procedures, if—

(A) the employee was appointed initially under open, competitive examination under subchapter 1 of chapter 51 of title 5; and

(B) the employee has served under 1 or more time-limited appointments within the Department for a total of more than 2 years without a break of 2 or more years; and

(C) the employee's most recent separation from the competitive service occurred not later than 2 years after the most recent date of separation; and

(D) the employee meets the requirements necessary for the administration of this subchapter.

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(1) DEFINITIONS.—In this subsection—

(A) the term 'Department' means the Department of Defense; and

(B) the term 'time-limited appointment' means a temporary or term appointment in the competitive service.

(2) ELIGIBILITY.—Notwithstanding any other provision of this chapter or any other provision of law relating to the examination, certification, appointment, or promotion of individuals in the competitive service, an employee of the Department serving under a time-limited appointment is eligible to compete for a permanent appointment in the competitive service when the Department is accepting applications from individuals within its own workforce, or from individuals outside its own workforce, under merit promotion procedures, if—

(A) the employee was appointed initially under open, competitive examination under subchapter 1 of chapter 51 of title 5; and

(B) the employee has served under 1 or more time-limited appointments within the Department for a total of more than 2 years without a break of 2 or more years; and

(C) the employee's most recent separation from the competitive service occurred not later than 2 years after the most recent date of separation; and

(D) the employee meets the requirements necessary for the administration of this subchapter.
(B) in the matter preceding paragraph (1), by striking “institutions” and inserting “organizations”.

SEC. 1104. MODIFICATION TO PERSONNEL MANAGEMENT AUTHORITY TO ATTRACT EXPERTS IN SCIENCE AND ENGINEERING.

Section 4092 of title 10, United States Code, is amended

(1) in subsection (a)(b), in the second sentence, by striking “December 31, 2025” and inserting “December 31, 2030”;

(2) in subsection (b)—

(A) in paragraph (1)(B)—

(i) by striking “10 positions” and inserting “15 positions”;

(ii) by striking “3 such positions” and inserting “5 such positions”;

and

(B) in paragraph (2)(A)—

(i) in the matter preceding clause (i), by striking “paragraph (1)(B)” and inserting “subparagraphs (B) and (H) of paragraph (1)”;

(ii) in clause (i)—

(I) by striking “to any of” and inserting “to any of the”;

and

(II) by inserting “and any of the 5 positions designated by the Secretary of the Space Development Agency” after “Projects Agency”;

and

(iii) in clause (i), by striking “the Director” and inserting “the Director of the Defense Advanced Research Projects Agency or the Director of the Space Development Agency”;

and

(ii) in subsection (c)(2), by inserting “the Space Development Agency,” after “Intelligence Center,”;

SEC. 1105. ENHANCED PAY AUTHORITY FOR CERTAIN RESEARCH AND TECHNOLOGY POSITIONS IN SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.

(a) IN GENERAL.—Chapter 303 of title 10, United States Code, is amended by inserting after section 4093 the following new section—

“§ 4094. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories

‘‘(a) IN GENERAL.—The Secretary of Defense may carry out a program using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (b) by establishing science and technology reinvestment laboratories in attracting and retaining high quality acquisition and technology experts in positions responsible for managing and pursuing complex, high-cost research and technology development efforts in the science and technology reinvestment laboratories of the Department of Defense.”

(b) APPROVAL REQUIRED.—The program may be carried out in a military department only with the approval of the service acquisition executive of the military department concerned.

(c) POSITIONS.—The positions described in this subsection are positions in the science and technology reinvestment laboratories of the Department of Defense that—

(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

(2) are critical to the successful accomplishment of an important research or technology development mission.

(d) RATING.—The pay authority specified in this subsection is authority as follows:

(1) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of the military department concerned.

(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of the military department concerned.

SEC. 1106. MODIFICATION AND EXTENSION OF PILOT PROGRAM ON DYNAMIC SHAPING OF THE WORKFORCE TO IMPROVE PERSONNEL SKILLS AND EXPERTISE AT CERTAIN DEPARTMENT OF DEFENSE LABORATORIES.

(a) REPEAL OF OBSOLETE PROVISION.—Section 1109(b)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended by striking subparagraph (D).

(b) EXTENSION OF AUTHORITY.—Section 1109(d)(1) of such Act is amended by striking “December 31, 2023” and inserting “December 31, 2027.”

SEC. 1107. MODIFICATION OF EFFECTIVE DATE OF ONE-YEAR PROLIMINATION PERIOD FOR EMPLOYEES.

Section 1106 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 135) is amended—

(1) in subsection (a)(1), by striking “December 31, 2022” and inserting “December 31, 2024”; and

(2) in subsection (b), by adding at the end the following new paragraph:

“(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on December 31, 2023.”

SEC. 1108. MODIFICATION AND EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.


SEC. 1109. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.


SEC. 1110. MODIFICATION OF TEMPORARY EXTENSION OF AUTHORITY FOR NONCOMPETITIVE APPOINTMENTS OF MILITARY SPOUSES BY FEDERAL AGENCIES.

(a) EXTENSION OF SUNSET.—Subsection (e) of section 373 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–252; 5 U.S.C. 3330d note) is amended, in the matter preceding paragraph (2) of such section, by striking “subsection (c) the date that is 5 years after the date of the enactment of this Act” and inserting “subsection (c) December 31, 2028.”

(b) CANCELATION OF FERNAL AND RESEARCH.—Subsection (d) of such section is repealed.

SEC. 1111. DEPARTMENT OF DEFENSE CYBER AND DIGITAL SERVICE ACADEMY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Homeland Security and the Director of the Office of Personnel and Management, shall establish a program to provide financial support for pursuit of programs of education at institutions of high education in covered disciplines.

(2) COVERED DISCIPLINES.—For purposes of the Program, a covered discipline is a discipline that the Secretary of Defense determines is critically needed and is cyber- or digital technology-related, including the following:

(A) Computer-related arts and sciences.

(B) Cyber-related engineering.

(C) Cyber-related law and policy.

(D) Applied analytics related sciences, data management, and disciplines, including artificial intelligence and machine learning.

(E) Such other disciplines relating to cybersecurity, cyber, digital technology, or supporting functions as the Secretary of Defense considers appropriate.

(3) DESIGNATION.—The program established under paragraph (1) shall be known as the “Department of Defense Cyber and Digital Service Academy” (in this section the “Program”).

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The Program shall—

(1) provide scholarships through institutions of higher education to students who are enrolled in programs of education at such institutions leading to degrees or specialized program certifications in covered disciplines; and

(2) prioritize the placement of scholarship recipients fulfilling the post-award employment obligation under this section.

(c) SCHOLARSHIP AMOUNT.—(A) Each scholarship under the Program shall be in such amount as the Secretary determines necessary to

(1) to pay all educational expenses incurred by that person, including tuition, fees, cost of books, and laboratory expenses, for the term of the program of education for which the assistance is provided under the Program; and
(i) to provide a stipend for room and board;

(b) The Secretary shall ensure that expenses paid are limited to those educational expenses incurred by the recipient, including tuition, fees, and necessary supplies and equipment, and are used for the purpose of enhancing the education of the individual at the institution of higher education involved.

(2) SUPPORT FOR INTERNSHIP ACTIVITIES.—The financial assistance for a person under this section may be provided to support internship activities of the person in the Department of Defense and combat support agencies in periods between the academic years of the person. The assistance may be provided in accordance with the terms and conditions specified by the Secretary in regulations the Secretary promulgate to carry out this subsection.

(3) PERIOD OF SUPPORT.—Each scholarship under the Program shall be for not more than 5 years.

(4) ADDITIONAL STIPEND.—Students demonstrating financial need, as determined by the Secretary, may be provided with an additional stipend under the Program.

(d) POST-AWARD EMPLOYMENT OBLIGATIONS.—(1) SCHOLARSHIP RECIPIENT.—A scholarship recipient shall—

(A) enter into an agreement with the Secretary for the recruitment, employment, and retention of civilian personnel, as determined appropriate by the Secretary in accordance with subsection (j);

(B) determine the repayment amounts and notify the recipient, the Secretary, and the Director of the Office of Personnel Management, as determined by the Secretary in regulations the Secretary promulgate to carry out this subsection;

(C) enter into an agreement with the Secretary for the recruitment, employment, and retention of civilian personnel, as determined appropriate by the Secretary in accordance with subsection (j);

(D) enter into an agreement with the Secretary to defray administrative expenses normally incurred by students at the institution of higher education involved.

(E) of subsection (g)(2) occurs after the completion of 1 year of a post-award employment obligation under the Program, the total amount of scholarship awards received by the individual under the Program shall be considered a debt to the Government and repaid in its entirety.

(2) 1 OR MORE YEARS OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of subsection (g)(2) occurs after the completion of 1 year of a post-award employment obligation under the Program, the total amount of scholarship awards received by the individual under the Program, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be considered a debt to the Government and repaid in accordance with subsection (j).

(3) REPAYMENTS.—A debt described section (i) shall be subject to repayment, together with interest thereon accruing from the date of the scholarship award, in accordance with terms and conditions specified by the Secretary in regulations promulgate to carry out this subsection.

(4) COLLECTION OF REPAYMENT.—(1) IN GENERAL.—In the event that a scholarship recipient is required to repay the scholarship award under the Program, the institution of higher education providing the scholarship shall—

(A) determine the repayment amounts and notify the recipient, the Secretary, and the Director of the Office of Personnel Management, as determined by the Secretary in regulations promulgate to carry out this subsection;

(B) collect repayment amounts within a period of time as determined by the Secretary.

(2) RETURNED TO TREASURY.—Except as provided in paragraph (1), any repayment under this subsection shall be returned to the Treasury of the United States.

(e) MONITORING COMPLIANCE.—As a condition of participating in the Program, an institution of higher education shall—

(1) enter into an agreement with the Secretary for the recruitment, employment, and retention of civilian personnel, as determined appropriate by the Secretary in accordance with subsection (j).

(2) enter into an agreement with the Secretary for the recruitment, employment, and retention of civilian personnel, as determined appropriate by the Secretary in accordance with subsection (j).

(3) enter into an agreement with the Secretary for the recruitment, employment, and retention of civilian personnel, as determined appropriate by the Secretary in accordance with subsection (j).

(4) enter into an agreement with the Secretary for the recruitment, employment, and retention of civilian personnel, as determined appropriate by the Secretary in accordance with subsection (j).

(5) enter into an agreement with the Secretary for the recruitment, employment, and retention of civilian personnel, as determined appropriate by the Secretary in accordance with subsection (j).

(f) how many students are released from obligations under this subsection;

(g) what, if any, remedial training is required.

(2) REPORTS.—The Secretary, in consultation with the Office of Personnel Management, shall submit, not less frequently than once every two years, to Congress a report, including—

(A) the results of the evaluation under paragraph (1);

(B) the disparity in any reporting between scholarship recipients and their respective institutions of higher education and job opportunities relating to covered disciplines;

(C) the number and percentage of students released from obligations under this section;

(D) how long after graduation students are placed;

(E) how long after graduation students are placed;

(F) how many students are released from obligations; and

(G) what, if any, remedial training is required.

(3) SCHOLARSHIP RECIPIENT.—(1) A PPROPRIATE CONGRESSIONAL COMMITTEE.—The term ‘appropriate congressional committee’ means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;
(b) the Committee on Armed Services of the Senate;
(C) the Committee on Homeland Security of the House of Representatives; and
(D) the Committee on Armed Services of the House of Representatives.

(2) COMPETITIVE SERVICE.—The term “competitive service” has the meaning given the term in section 2102 of title 5, United States Code.

(3) EXCEPTED SERVICE.—The term “excepted service” has the meaning given the term in section 2103 of title 5, United States Code.

(4) SIGNIFICANT INCIDENT.—The term “significant incident” 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;
(ii) the public confidence, civil liberties, or public health and safety of the people of the United States; and
(B) does not include an incident or a portion of a group of related incidents that occurs—
(i) a national security system, as defined in section 3552 of title 44, United States Code; or
(ii) an information system described in paragraph (2) or (3) of section 3553(e) of title 44, United States Code.

(5) TEMPORARY POSITION.—The term “temporary position” means a position in the competitive or excepted service for a period of 180 days or less.

(6) UNIFORMED SERVICES.—The term “uniformed services” has the meaning given the term in section 2101 of title 5, United States Code.

(b) PILOT PROJECT.—

(1) IN GENERAL.—The Secretary of the Army shall carry out a pilot project to establish a Civilian Cybersecurity Reserve.

(2) PURPOSE.—The purpose of the Civilian Cybersecurity Reserve is to enable the Army to provide manpower to the cyberspace operations function of the United States Cyber Command to effectively respond to significant incidents.

(3) ALTERNATIVE METHODS.—Consistent with title 5, United States Code, in carrying out the pilot project required under paragraph (1), the Secretary may, without further authorization from the Office of Personnel Management, provide for alternative methods of—
(A) establishing qualifications requirements for, recruitment of, and appointment to positions;
(B) classifying positions;
(C) appointments.—Under the pilot project required under paragraph (1), upon occurrence of a significant incident, the Secretary—
(A) may activate members of the Civilian Cybersecurity Reserve by—
(i) competitively appointing members of the Civilian Cybersecurity Reserve to temporary positions in the competitive service;
(ii) appointing members of the Civilian Cybersecurity Reserve to temporary positions in the excepted service; and
(B) shall notify Congress whenever a member is activated under subparagraph (A); and
(C) may appoint not more than 50 members to the Civilian Cybersecurity Reserve under subparagraph (A) at any time.

(5) STATUSES AS EMPLOYEES.—An individual appointed under paragraph (4) shall be considered a Federal civil service employee under section 2105 of title 5, United States Code:

(6) ADDITIONAL EMPLOYEES.—Individuals appointed under paragraph (4) shall be in addition to any employees of the United States Cyber Command who provide cybersecurity services.

(7) EMPLOYMENT PROTECTIONS.—The Secretary shall prescribe such regulations as necessary to ensure the reemployment, continuation of benefits, and non-discrimination in reemployment of individuals who are appointed under paragraph (4) or are considered such employees that such regulations shall include, at a minimum, those rights and obligations set forth under chapter 43 of title 38, United States Code.

(8) STATUS IN RESERVE.—During the period beginning on the date on which an individual is appointed to the Civilian Cybersecurity Reserve and ending on the date on which the individual is appointed under paragraph (4), and during any period in between, the individual shall not be considered a Federal employee.

(c) ELIGIBILITY: APPLICATION AND SELECTION.—

(1) IN GENERAL.—Under the pilot project required under subsection (b)(1), the Secretary of the Army shall establish criteria for—
(A) individuals to be eligible for the Civilian Cybersecurity Reserve;
(B) the application and selection processes for the Civilian Cybersecurity Reserve.

(2) REQUIREMENTS FOR INDIVIDUALS.—The criteria established under paragraph (1)(A) with respect to an individual shall include—
(A) if the individual has previously served as a member of the Civilian Cybersecurity Reserve, that the previous appointment ended not less than 60 days before the individual may be appointed for a subsequent temporary position in the Civilian Cybersecurity Reserve; and
(B) cybersecurity expertise.

(3) PRESCREENING.—The Secretary shall—
(A) conduct a prescreening of each individual prior to appointment under subsection (b)(4) for any topic or product that would create a conflict of interest; and
(B) require each individual appointed under subsection (b)(4) to notify the Secretary if a potential conflict of interest arises during the appointment.

(4) AGREEMENT REQUIRED.—An individual may become a member of the Civilian Cybersecurity Reserve only if the individual enters into an agreement with the Secretary to become such a member, which shall set forth the rights and obligations of the individual and the Army.

(5) EXCEPTION FOR CONTINUING MILITARY SERVICE COMMITMENTS.—A member of the Selected Reserve under section 10143 of title 10, United States Code, may not be a member of the Civilian Cybersecurity Reserve.

(d) SECURITY CLEARANCES.—

(1) IN GENERAL.—The Secretary of the Army shall ensure that all members of the Civilian Cybersecurity Reserve undergo the appropriate personnel vetting and adjudication commensurate with the duties of the position, including a determination of eligibility for access to classified information where a security clearance is necessary, according to applicable policy and authorities.

(2) COST OF SPONSORING CLEARANCES.—If a member of the Civilian Cybersecurity Reserve requires a security clearance in order to carry out the duties of the member, the Army shall be responsible for the cost of sponsoring the security clearance of the member.

(e) STUDY AND IMPLEMENTATION PLAN.—

(1) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall begin a study on the design and implementation of the pilot project required under subsection (b)(1), including—
(A) compensation and benefits for members of the Civilian Cybersecurity Reserve; and
(B) whether any barriers to recruitment or retention of members of the Civilian Cybersecurity Reserve; and
(C) the ethical requirements of the pilot project and the effectiveness of mitigation
(E) The number of retirements of employees in cyber excepted service positions, disaggregated by occupation, grade, and level or pay band.

(F) The number and amounts of recruitment, retention, relocation, and retention incentives paid to employees in cyber excepted service positions, disaggregated by occupation, grade, and level or pay band.

(G) The number of employees who declined transition to qualified cyber excepted service positions.

(5) An assessment of the training provided to supervisors of employees in cyber excepted service positions at the Department on the use of the new authorities.

(6) An assessment of the implementation of section 1599f(a)(1)(A) of title 10, United States Code, including—

(A) how each military department, Defense agency, or other component within the Department is incorporating or intends to incorporate cyber excepted service personnel in their cyber mission workforce; and

(B) how the cyber excepted service has allowed each military department, Defense agency, or other component within the Department to establish, recruit for, and retain personnel to fill cyber mission workforce needs.

(7) An assessment of the effect of section 1599f of title 10, United States Code, on the ability of the Department to recruit, retain, and develop cyber professionals in the Department.

(8) An assessment of barriers to participation in cyber excepted service positions, including challenges between general and excepted service, differences between compensation, incentives, and benefits, access to career broadening experiences, or any other barriers as determined by the Secretary.

(9) Proposed modifications to the cyber excepted service.

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

(c) Definitions.—In this section:

(1) The term ‘cyber excepted service’ consists of those positions established under section 1599f(a)(1)(A) of title 10, United States Code.

(2) The term ‘cyber excepted service position’ means a position in the cyber excepted service.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. EXTENSION OF AUTHORITY TO SUPPORT BORDER SECURITY OPERATIONS OF CERTAIN FOREIGN COUNTRIES.

Subsection (h) of section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 2151 note) is amended by striking “December 31, 2023” and inserting “December 31, 2025”.

SEC. 1202. MODIFICATION OF REPORTING REQUIREMENT FOR PROVISION OF SUPPORT TO FRIENDLY FOREIGN COUNTRIES FOR CONDUCT OF OPERATIONS.

Section 33i(d)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

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

“(E) A description of the one or more entities with which the applicable friendly foreign country is conducting operations in hostilities and whether each such entity is covered by an authorization for the use of military force.”.

SEC. 1203. PAYMENT OF PERSONNEL EXPENSES NECESSARY FOR PARTICIPATION IN TRAINING PROGRAM CONDUCTED BY COLOMBIA UNDER UNITED STATES-COLOMBIA ACTION PLAN FOR REGIONAL SECURITY.

(a) In General.—Subchapter IV of chapter 16 of title 10, United States Code, is amended by adding at the end the following new section 335:

“335. Payment of personnel expenses necessary for participation in training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security.

“(a) Authority.—The Secretary of Defense may pay the expendable training supplies, travel, subsistence, and similar personnel expenses of, and special compensation for, the following that the Secretary considers necessary for participation in the training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security:

“(1) Defense personnel of friendly foreign governments.

“(2) With the concurrence of the Secretary of State, other personnel of friendly foreign governments and nongovernmental personnel.

“(b) Limitation.—

“(1) In General.—Except as provided in paragraph (2), the authority provided in subsection (a) may only be used for the payment of such expenses of, and special compensation for, such personnel from amounts authorized to be appropriated to carry out this section.

“(2) Exception.—The Secretary may authorize the payment of such expenses of, and special compensation for, such personnel from amounts authorized to be appropriated to carry out this section if the Secretary determines that such payment is—

“(A) necessary to respond to extraordinary circumstances; and

“(B) in the national security interest of the United States.”.

(b) ANNUAL REPORT.—Paragraph (1) of section 336(c) of title 10, United States Code, is amended to read as follows:

“(1) Sections 311, 321, 331, 332, 333, 335, 341, 344, 348, 349, and 350 of this title.”.

(c) CONFORMING AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 16 of title 10, United States Code, is amended by adding at the end the following new section 335:

“335. Payment of personnel expenses necessary for participation in training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security.”

SEC. 1204. MODIFICATION OF AUTHORITY FOR PARTICIPATION IN MULTINATIONAL SPECIAL FORCES AND REGIONAL SECURITY.

Section 344(f) of title 10, United States Code, is amended—

(1) in paragraph (1)(D), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”;

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

“(5) The International Special Training Centre, established in 1979 and located in Pfullendorf, Germany.”.

SEC. 1205. MODIFICATION OF REGIONAL DEFENSE COMBATANT TERRORISM AND IRREGULAR WARFARE FELLOWSHIPS PROGRAM AND PLAN FOR IRREGULAR WARFARE CENTER.

(a) Modification of Regional Defense Combating Terrorism and Irregular Warfare Fellowships Program and Plan for Irregular Warfare Center.—

(1) In General.—Section 345 of title 10, United States Code, is amended —
(A) in the section heading, by striking “Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program” and inserting “Irregular Warfare Education”; and

(b) in subsection (a)(ii) of such section, in the matter preceding subparagraph (B), by striking “program authorized” and inserting “authority”; and

(c) in paragraph (1), in the matter preceding subparagraph (A), by inserting “operate and administer a Center for Security Studies in Irregular Warfare and” after “The Secretary of Defense may”;

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

(1) COVERED COSTS.—

(A) in general.—Costs for which payment may be made under this section include the costs of—

(i) compensation, travel, and subsistence costs of foreign national personnel and United States government personnel necessary for administration and execution of the authority granted to the Secretary of Defense under this section;

(ii) strategic engagement with alumni of the program referred to in paragraph (1) to address Department of Defense objectives and planning on irregular warfare and combating terrorism topics; and

(iii) administration and operation of the Irregular Warfare Center, including expenses associated with—

(I) research, communication, the exchange of ideas, curriculum development and review, and interaction with and participation of the United States and other countries, as the Secretary considers necessary; and

(II) maintaining an international network of irregular warfare policymakers and practitioners to achieve the objectives of the Department of Defense and the Department of State;

(B) Payment by others permitted.—Payment of costs described in subparagraph (A)(i) may be made by the Secretary of Defense, the foreign national participant, the government of such participant, or by the head of any other Federal department or agency; and

(iv) by amending paragraph (3) to read as follows:

(3) DESIGNATIONS.—

(A) Center.—The center authorized by this section shall be known as the ‘Irregular Warfare Center’.

(B) Program.—The program authorized by this section shall be known as the ‘Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program’;

(C) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(D) by inserting after subsection (a)(i) the following new subsection (c):

(1) Mission.—The mission of the Irregular Warfare Center shall be to support the institutionalization of irregular warfare as a core competency of the Department of Defense by—

(A) coordinating and aligning Department of Defense education curricula, standards, and objectives related to irregular warfare and strategic competition;

(B) providing a center for research on irregular warfare, strategic competition, and the role of the Department of Defense in supporting interagency activities relating to irregular warfare and strategic competition;

(C) engaging and coordinating with Federal agencies other than the Department of Defense and with academia, nongovernmental organizations, civil society, and international partners to discuss and achieve efforts on security challenges in irregular warfare and strategic competition;

(D) developing curriculum and conducting training and education of military and civilian participants of the United States and other countries, as determined by the Secretary of Defense;

(E) serving as a coordinating body and central repository for irregular warfare resources, including educational activities and programs, to the extent consistent with Department of Defense priorities and combatant commands; and

(E) by inserting “to which the assistance is to be provided”.

(2) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for establishing the structure, operations, and administration of the Irregular Warfare Center described in section 345(a)(1) of title 10, United States Code.

(3) Elements.—The plan required by paragraph (1) shall include—

(A) a timeline for milestones for the establishment of the Irregular Warfare Center; and

(B) steps to enter into partnerships and resource agreements with academic institutions of the Department of Defense or other academic institutions, including any agreement for hosting or operating the Irregular Warfare Center.

(d) Sense of the Senate.—It is the sense of the Senate that a Center for Security Studies in Irregular Warfare established under section 345 of title 10, United States Code, should be known as the “John S. McCain III Center for Security Studies in Irregular Warfare”.

SEC. 1206. MODIFICATION OF AUTHORITY FOR HUMANITARIAN DEMINING ASSISTANCE AND STOCKPILED CONVENTIONAL MUNITIONS ASSISTANCE.

(a) Expansion of section (a)(1) of section 407 of title 10, United States Code, is amended—

(1) in the matter preceding subparagraph (A) by striking “carry out” and inserting “provide”;

(2) in subparagraph (A), by striking “in a country” and inserting “to which the assistance is to be provided”;

(3) in subparagraph (B), by striking “in which the assistance is to be carried out” and inserting “to which the assistance is provided”;

(b) Expenses.—Subsection (c) of such section is amended—

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

“(C) Travel, transportation, and subsistence expenses of foreign personnel to attend training provided by the Department of Defense under this section.”;

(2) in paragraph (3), by striking “$15,000,000” and inserting “$20,000,000”;

(c) Annual Review.—Subsection (d) of such section is amended—

(1) in the matter preceding paragraph (1), by striking “in the annual report required by this title a separate discussion of” and inserting “submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on”;

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

(3) in paragraph (2), by inserting “the” before “Department”.

(4) by inserting “and” before “the”。
(2) in paragraph (1)—
(A) by striking ‘‘in which’’ and inserting ‘‘to which’’; and
(B) by striking ‘‘carried out’’ and inserting ‘‘provided’’;
(3) in paragraph (2), by striking ‘‘carried out in’’ and inserting ‘‘provided to’’;
(4) in paragraph (3)—
(A) by striking ‘‘in which’’ and inserting ‘‘to which’’; and
(B) by striking ‘‘carried out’’ and inserting ‘‘provided’’; and
(5) in paragraph (4), by striking ‘‘in carrying out such assistance in each such country’’ and inserting ‘‘in providing such assistance to each such country’’.

SEC. 1207. MODIFICATIONS TO HUMANITARIAN AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) Extension.—Subsection (a) of section 1213 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 396) is amended by striking ‘‘beginning on October 1, 2021, and ending on December 31, 2022’’ and inserting ‘‘beginning on October 1, 2022, and ending on December 31, 2023’’.

(b) Modification to Limitation.—Subsection (d)(1) of such section is amended—
(1) by striking ‘‘beginning on October 1, 2021, and ending on December 31, 2022’’ and inserting ‘‘beginning on October 1, 2022, and ending on December 31, 2023’’; and
(2) by striking ‘‘$60,000,000’’ and inserting ‘‘$50,000,000’’.

SEC. 1208. MODIFICATIONS TO HUMANITARIAN ASSISTANCE.

Section 2561 of title 10, United States Code, is amended to read as follows:

‘‘§ 2561. Humanitarian assistance

(a) AUTHORIZED ASSISTANCE.—To the extent provided in defense authorization Acts, funds authorized to be appropriated to the Department of Defense for a fiscal year for humanitarian assistance shall be used for collaborative Department of Defense engagements with partner country governments in permissive environments to achieve the objectives of—

(1) directly relieving or reducing human suffering, disease, hunger, or privation; and
(2) enhancing partner country capacity—
(A) to provide essential human services to vulnerable populations; and
(B) to address disaster risk reduction, mitigating vulnerability, or enhancing preparedness—
(b) PURPOSES.—The Secretary of Defense may use funds authorized under subsection (a) for the following purposes:

(1) Procurement, transportation, and pre-positioning of supplies and equipment.
(2) Small-scale construction and renovation of facilities and basic infrastructure.
(3) Other humanitarian-related projects and activities.
(4) Any other activity the Secretary of Defense considers necessary to achieve the objectives described in subsection (a).

(c) AUTHORIZED ACTIVITIES.—To the extent provided in appropriations Acts, funds appropriated for humanitarian assistance for purposes of this section shall remain available until expended.

(d) STATUS REPORTS.—(1) The Secretary of Defense shall submit to the appropriate committees of Congress an annual report on the provision of humanitarian assistance pursuant to this section for the prior fiscal year. The report shall be submitted each year at the time of the budget submission by the President for the next fiscal year.

(2) Each report required by paragraph (1) shall cover all provisions of law that authorize appropriations for humanitarian assistance to be available from the Department of Defense for purposes of this section.

(3) Each report under this subsection shall set forth the following information regarding activities during the preceding fiscal year:

(A) The total amount of funds obligated for humanitarian assistance under this section.
(B) A comprehensive list of funded humanitarian assistance efforts, disaggregated by foreign partner country, amount obligated, and purpose specified in subsection (b).
(C) A description of the manner in which such expenditures address—
(i) the humanitarian needs of the foreign partner country; and
(ii) United States national security objectives.
(D) A description of any transfer of excess nonlethal supplies of the Department of Defense transfers for humanitarian assistance purposes under section 2557 of this title. The description shall include the date of the transfer, the entity to whom the transfer is made, and the quantity of items transferred.

(e) NOTIFICATION.—In the case of activities under a program that results in the provision of small-scale construction, an obligation under subsection (b)(2) costing more than $750,000, not later than 15 days before the commencement of such activities, the Secretary of Defense shall submit to committees of Congress a notification that includes the location, project title, and cost of each small-scale construction project that will be carried out.

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘‘appropriate committees of Congress’’ means—
(A) the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and
(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

(2) DEFENSE AUTHORIZATION ACT.—The term ‘‘defense authorization Act’’ means an Act that authorizes appropriations for one or more fiscal years for military activities of the Department of Defense, including authorizations of appropriations for the activities described in paragraph (7) of section 114 of this title.

SEC. 1209. DEFENSE ENVIRONMENTAL INTERNATIONAL COOPERATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense, in coordination with the commanders of the geographic combatant commands, shall establish a program, to be known as the ‘‘Defense Environmental International Cooperation Program’’, to support engagement with partner countries on defense-related environmental and operational energy issues, and to carry out the theater campaign plans of the geographic combatant commands.

(b) OBJECTIVES.—The Defense Environmental International Cooperation Program shall be carried out to achieve the following objectives:

(1) To build military-to-military relationships in support of the Department of Defense’s efforts to engage in long-term strategic competition.
(2) To sustain the mission capability and forward posture of the United States Armed Forces.
(3) To enhance the capability, capacity, and resilience of the military forces of partner countries.

(c) FUNDING.—Of amounts authorized to be appropriated for a fiscal year for the Department of Defense’s efforts to engage in long-term strategic competition, the Secretary of Defense may make available $10,000,000 for purposes of supporting the Defense Environmental International Cooperation Program, consistent with the priorities of the commanders of the geographic combatant commands.

(d) ANNUAL REPORT.—
(1) IN GENERAL.—Not later than March 1 each year, the Secretary shall submit to the congressional defense committees a report on the obligations and expenditure made to carry out the Defense Environmental International Cooperation Program during the preceding fiscal year.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) An accounting of each obligation and expenditure made to carry out the Defense Environmental International Cooperation Program, by partner country and military force.

(B) An explanation of the manner in which each such obligation or expenditure supports the objectives described in subsection (b).

(C) Any other matter the Secretary considers relevant.

SEC. 1210. SECURITY COOPERATION PROGRAMS WITH FOREIGN PARTNERS TO ADVANCE WOMEN, PEACE, AND SECURITY.

(a) In General.—The Secretary of Defense, in consultation with the Secretary of State, may, in fiscal years 2022 through 2025, conduct programs and activities involving the national military or national-level security forces of a foreign country or other covered personnel to advise, train, and educate such forces or such other covered personnel with respect to—

(1) the recruitment, employment, development, retention, promotion, and meaningful participation in decisionmaking of women;
(2) sexual harassment, sexual assault, domestic abuse, and other forms of violence that disproportionately impact women; and
(3) the requirements of women, including providing appropriate equipment and facilities;

(b) Annual Report.—Not later than 90 days after the end of each of fiscal years 2023, 2024, and 2025, the Secretary of Defense shall submit to the congressional defense committees a report detailing the assistance provided under this section and the recipients of such assistance.

(c) Other Covered Personnel Defined.—In this section, the term ‘‘other covered personnel’’ means personnel of—

(1) the ministry of defense, or a government entity with a similar function, of a foreign country; or

(2) a regional organization with a security mission.

SEC. 1211. REVIEW OF IMPLEMENTATION OF PROHIBITION ON USE OF FUNDS FOR ASSISTANCE TO UNITS OF FOREIGN SECURITY FORCES THAT HAVE COMMITTED A GROSS VIOLATION OF HUMAN RIGHTS.

(a) Sense of Congress.—It is the sense of Congress that the promotion of human rights is a critical element of Department of Defense security cooperation programs and that it is in the national security interests and values.

(b) Review.—
(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the commanders of the geographic combatant commands, shall initiate a review of Department of Defense military-to-military assistance programs and assistance agreements and agreements for the implementation of section 362 of title 10, United States Code.

(2) Report.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations, Armed Services, Armed Services, and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on the results of the review conducted under paragraph (1).

(3) Notification.—Not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall provide to the Committees on Appropriations, Armed Services, Armed Services, and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a notification of the results of the review conducted under paragraph (1).

(4) Authorization.—Not later than 90 days after the date of enactment of this Act, and before submitting the report required by paragraph (2), the Secretary of Defense shall provide to the Committees on Appropriations, Armed Services, Armed Services, and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a notification of the results of the review conducted under paragraph (1).

(5) Repeal.—Section 2762 of title 10, United States Code, is repealed.
(2) ELEMENTS.—The review required by paragraph (1) shall include an assessment of the following:

(A) The standards and procedures by which the Secretary conducts a determination that the provision of assistance to a unit of a foreign security force under section 362 of title 10, United States Code, gives full consideration to credible information that the unit has committed a gross violation of human rights, including credible information available to the Department of State relating to human rights violations by such unit.

(B) The roles and responsibilities of Department of Defense components in implementing such section, including the Under Secretary of Defense for Policy, the Deputy Assistant Secretary of Defense for Global Partnerships, the geographic combatant commands, and the Office of the General Counsel, and whether such components are adequately funded to carry out their respective roles and responsibilities.

(C) The standards and procedures by which the Secretary implements the exception under subsection (b) of such section based on a determination that all necessary corrective steps have been taken.

(D) The standards and procedures by which the Secretary exercises the waiver authority under subsection (c) of such section based on a determination that a waiver is required by extraordinary circumstances.

(E) The policies, standards, and procedures for the remediation of units of foreign security forces determined in subsection (c) of such section and the effectiveness of such remediation process.

(F) The process by which the Secretary determines whether a unit of a foreign security force designated to receive training, equipment, supplies and services, including weaponry, is new or fundamentally different from its determination of assistance consistent with such section and resumption of assistance consistent with such section, and the effectiveness of such remediation process.

(G) The extent to which the Secretary determines that a unit of a foreign security force designated to receive training, equipment, supplies and services, including weaponry, is new or fundamentally different from its predecessor for which there was determined to be credible information that the unit had committed a gross violation of human rights.

(c) REPORTS.—

(1) FINDING OF REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the fiscal year 2023 portion of the review conducted under subsection (b) that includes any recommendations or corrective actions necessary with respect to the policies, guidance, and procedures of the Department of Defense in implementing such section.

(2) REMEDIATION PROCESS.—

(A) GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter through fiscal year 2023, the Secretary shall submit to the appropriate committees of Congress a report on the remediation process under section 362 of title 10, United States Code.

(B) ELEMENTS.—Each report required by this paragraph shall include an assessment of the following:

(i) The evolution of United States approaches to training, advising, assisting, and equipping the military forces of Somalia.

(ii) The extent to which—

(A) The Department has an established plan, with objectives and milestones, for the effort to train, advise, assist, and equip such forces.

(B) Advisory efforts are meeting objectives, including whether and the manner in which—

(i) advisors track the operational effectiveness of such forces; and

(ii) any such data informs future training and advisory efforts.

(C) The Department sufficiently engages, collaborates, and deconflicts with—

(i) other Federal departments and agencies that conduct assistance and advisory engagements with such forces; and

(ii) international and multilateral entities that conduct assistance and advisory engagements with such forces.

(D) The Department has established and enforced a policy, processes, and procedures for accountability relating to equipment provided by the United States to such forces.

(3) Factors that have hindered, or may in the future hinder, the development of professional, sustainable, and capable such forces.

(4) With respect to the effort to train, advise, assist, and equip such forces, the extent to which the December 2020 decision to reduce and reposition outside Somalia the majority of the members of the United States Armed Forces assigned to carry out the effort, has impacted the effectiveness of the effort.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Secretary and the congressional defense committees a report containing the findings of the assessment.

(e) FUNDS.—The amounts authorized to be appropriated for fiscal year 2023 and available for operation and maintenance for Defense-wide activities, up to $1,000,000 shall be made available for the assessment required by subsection (a).

SEC. 1212. INDEPENDENT ASSESSMENT OF UNITED STATES EFFORTS TO TRAIN, ADVISE, ASSIST, AND EQUIP THE MILITARY FORCES OF SOMALIA. (a) IN GENERAL.—The Secretary of Defense shall provide for an independent assessment of Department of Defense efforts to train, advise, assist, and equip the military forces of Somalia.

(b) CONDUCT OF ASSESSMENT.—To conduct the assessment required by subsection (a), the Secretary shall select—

(1) a federally funded research and development center; or

(2) an independent, nongovernmental institute described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that has recognized expertise in the national security and military affairs appropriate for the assessment.

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

(1) The evolution of United States approaches to training, advising, assisting, and equipping the military forces of Somalia.

(2) The extent to which—

(A) The Department has an established plan, with objectives and milestones, for the effort to train, advise, assist, and equip such forces;

(B) Advisory efforts are meeting objectives, including whether and the manner in which—

(i) advisors track the operational effectiveness of such forces; and

(ii) any such data informs future training and advisory efforts.

(C) The Department sufficiently engages, collaborates, and deconflicts with—

(i) other Federal departments and agencies that conduct assistance and advisory engagements with such forces; and

(ii) international and multilateral entities that conduct assistance and advisory engagements with such forces.

(D) The Department has established and enforced a policy, processes, and procedures for accountability relating to equipment provided by the United States to such forces.

(E) Factors that have hindered, or may in the future hinder, the development of professional, sustainable, and capable such forces.

(F) The extent to which—

(i) the Department collaborates, and deconflicts with—

(A) other Federal departments and agencies that conduct assistance and advisory engagements with such forces; and

(B) international and multilateral entities that conduct assistance and advisory engagements with such forces; and

(ii) any such data informs future training and advisory efforts.

(G) The Department has established and enforced a policy, processes, and procedures for accountability relating to equipment provided by the United States to such forces.

(H) Factors that have hindered, or may in the future hinder, the development of professional, sustainable, and capable such forces.

(i) The extent to which—

(A) the United States has established and enforced a policy, processes, and procedures for accountability relating to equipment provided by the United States to such forces.

(B) Factors that have hindered, or may in the future hinder, the development of professional, sustainable, and capable such forces.

(2) The extent to which—

(A) any such data informs future training and advisory efforts.

(b) ELEMENT.—The assessment required by paragraph (1) shall identify any gaps in existing authorities and associated resourcing that would inhibit the ability of the Secretary to support the United States Africa Command theater campaign plan objectives.

(c) REPORT.—Not later than December 31, 2022, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings and conclusions of the assessment required by subsection (a).

Subtitle B—Matters Relating to Syria, Iraq, and Iran

SEC. 1221. EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO VETTED SYRIAN GROUPS AND INDIVIDUALS. (a) EXTENSION.—Subsection (a) of section 1209 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541) is amended, in the matter preceding paragraph (1), by striking "December 31, 2022" and inserting "December 31, 2023".

(b) LIMITATION ON COST OF CONSTRUCTION AND REPAIR PROJECTS.—Subsection (1)(3)(D) of such section is amended by striking "December 31, 2022" and inserting "December 31, 2023".

SEC. 1222. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ. (a) LIMITATION ON AMOUNT.—Subsection (c) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 113 note) is amended, in the matter preceding paragraph (1), by striking "fiscal year 2022" and inserting "fiscal year 2023"; and

(b) SOURCES OF FUNDS.—Subsection (d) of such section is amended by striking "fiscal year 2022" and inserting "fiscal year 2023".

SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN SYRIA. (a) IN GENERAL.—Subsection (a) of section 1236 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3558) is amended, in the matter preceding paragraph (1), by striking "fiscal year 2022" and inserting "fiscal year 2023".

(b) LIMITATION ON COST OF CONSTRUCTION AND REPAIR PROJECTS.—Subsection (1)(3)(D) of such section is amended by striking "December 31, 2022" and inserting "December 31, 2023".

(c) LIMITATION ON COST OF CONSTRUCTION AND REPAIR PROJECTS.—Subsection (3)(F) of such section is amended by striking "fiscal year 2022" and inserting "fiscal year 2023".
such section is amended by striking “December 31, 2022” and inserting “December 31, 2023”.

SEC. 1214. ASSESSMENT OF SUPPORT TO IRAQI SECURITY FORCES AND KURDISH PESHMERGA FORCES TO COUNTER AIR AND MISSILE THREATS.

(a) IN GENERAL.—Not later than April 1, 2023, the Secretary of Defense shall submit to the congressional defense committees a report on support to Iraqi Security Forces and Kurdish Peshmerga Forces to counter air and missile threats.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) An assessment of the threat from missiles, rockets, and unmanned aerial systems (UAS) to United States and coalition armed forces located in Iraq, including the Iraqi Kurdistan Region.

(2) An assessment of the current state of air defense capabilities of United States and coalition armed forces located in Iraq, including the Iraqi Kurdistan Region.

(3) Identification of perceived gaps in air defense capabilities of United States and coalition armed forces and the implications for the security of such forces in Iraq, including the Iraqi Kurdistan Region.

(4) Recommendations for training or equipment needed to overcome the assessed air defense deficiencies of United States and coalition armed forces in Iraq, including the Iraqi Kurdistan Region.

(5) An assessment of the current state of the air defense capabilities of partner armed forces in Iraq, including the Iraqi Security Forces and Kurdish Peshmerga Forces.

(6) An assessment of the perceived gaps in air defense capabilities of partner armed forces in Iraq, including the Iraqi Security Forces and Kurdish Peshmerga Forces.

(7) An assessment of recommended training and equipment and available level of equipment to maximize air defense capabilities of partner armed forces in Iraq, including the Iraqi Security Forces and Kurdish Peshmerga Forces.

(b) UNITED STATES INVENTORY AND OTHER SOURCES.—Subparagraph (D) of such section is amended by inserting “as far in advance as is practicable”, before “the Secretary”, and inserting “as far in advance as is practicable),” after “a report on the use of the funds authorized to be appropriated for fiscal year 2022 or 2023.”

SEC. 1232. RESOLUTION OF CONFLICTS OF AVAILABLE FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.

Section 1232(a) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1974) is amended by inserting “None of the funds authorized to be appropriated for fiscal year 2022 or 2023.”

SEC. 1233. EXTENSION AND MODIFICATION OF UNITED STATES SECURITY ASSISTANCE INITIATIVE.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1608) is amended to read as follows:

“(a) AUTHORITY TO PROVIDE ASSISTANCE.—

“(1) IN GENERAL.—Amounts available for a fiscal year under subsection (f) shall be available for obligations incurred by the Secretary of Defense for the purpose described in paragraph (2), provided to the extent practicable, that extraordinary circumstances exist that impact the national security of the United States, as far in advance as is practicable, the Secretary of Defense shall submit to the congressional defense committees a written notification detailing the intended recipient forces or groups, the command and control relationship that each such entity has with the Government of Ukraine, and the assistance or support to be provided.

“(b) SUPPORT TO OTHER FORCES OR GROUPS.—Not less than 15 days before providing assistance or support under this section or if the Secretary of Defense determines, on a case-by-case basis, that extraordinary circumstances exist that impact the national security of the United States, as far in advance as is practicable, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written notification detailing the intended recipient forces or groups, the command and control relationship that each such entity has with the Government of Ukraine, and the assistance or support to be provided.

“(c) QUARTERLY REPORTS.—Not less frequently than quarterly, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under this section.”.

(b) U.S. MILITARY FORCES.—Subtitle (c) of such section is amended by inserting “North Atlantic Treaty Organization” after “Secretary of Defense” the first place it appears.

(c) HONORABLE ACTIVITIES.—Subsection (1) of such section is amended—

“(1) The Secretary of Defense shall include in the congressional defense committees a report on the development of the United States, as far in advance as is practicable, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the funds authorized to be appropriated for fiscal year 2023.”

SEC. 1234. NORTH ATLANTIC TREATY ORGANIZATION SPECIAL OPERATIONS HEADQUARTERS.

(a) IN GENERAL.—Subtitle II of chapter 139 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(a) AUTHORIZATION.—Of the amounts authorized to be appropriated for each fiscal year for operation and maintenance for the Armed Forces, $400,000,000 shall be available for support of North Atlantic Treaty Organization (referred to in this section as ‘NATO’) operations, the Secretary of Defense is authorized to use such funds available for support of North Atlantic Treaty Organization, (as added by section 1237(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2496)) and sections (b) as subsections (i) and (j), respectively; and

(b) PURPOSES.—The Secretary shall provide additional funds to the NATO Special Operations Headquarters—

“(1) to improve coordination and cooperation between the special operations forces of the United States, as far in advance as is practicable, the Secretary of Defense determines, on a case-by-case basis, that extraordinary circumstances exist that impact the national security of the United States, as far in advance as is practicable, the Secretary of Defense shall submit to the congressional defense committees a written notification detailing the intended recipient forces or groups, the command and control relationship that each such entity has with the Government of Ukraine, and the assistance or support to be provided.

“(b) SUPPORT TO OTHER FORCES OR GROUPS.—Not less than 15 days before providing assistance or support under this section or if the Secretary of Defense determines, on a case-by-case basis, that extraordinary circumstances exist that impact the national security of the United States, as far in advance as is practicable, the Secretary of Defense shall submit to the congressional defense committees a written notification detailing the intended recipient forces or groups, the command and control relationship that each such entity has with the Government of Ukraine, and the assistance or support to be provided.

“(c) QUARTERLY REPORTS.—Not less frequently than quarterly, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under this section.”.

SEC. 1235. MODIFICATION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

Section 1235 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2488) is amended—

(b) FUNDING.—Subsection (f) of such section is amended by adding at the end the following new paragraph:

“(f) For fiscal year 2023, $500,000,000.”.

SEC. 1236. MODIFICATION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

Section 1236 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2496) is amended—

(f) FOR FISCAL YEAR 2023.—Section 1236(b) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1974) is amended by inserting “and 2023” after “2022”.

SEC. 1237. MODIFICATION OF LIMITATION ON MILITARY COOPERATION WITH RUSSIA.

Section 1237 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2496) is amended—

(b) UNITED STATES INVENTORY AND OTHER SOURCES.—Section 1237(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2496) is amended by inserting “as far in advance as is practicable,” after “a report on the use of the funds authorized to be appropriated for fiscal year 2022 or 2023.”

SEC. 1238. MODIFICATION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND RUSSIA.

Section 1238 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2496) is amended—

(b) UNITED STATES INVENTORY AND OTHER SOURCES.—Section 1238(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2496) is amended by inserting “as far in advance as is practicable,” after “a report on the use of the funds authorized to be appropriated for fiscal year 2022 or 2023.”

SEC. 1239. MODIFICATION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND RUSSIA.

Section 1239 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2496) is amended—

(b) UNITED STATES INVENTORY AND OTHER SOURCES.—Section 1239(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2496) is amended by inserting “as far in advance as is practicable,” after “a report on the use of the funds authorized to be appropriated for fiscal year 2022 or 2023.”

SEC. 1240. MODIFICATION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND RUSSIA.

Section 1240 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2496) is amended—

(b) UNITED STATES INVENTORY AND OTHER SOURCES.—Section 1240(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2496) is amended by inserting “as far in advance as is practicable,” after “a report on the use of the funds authorized to be appropriated for fiscal year 2022 or 2023.”
“(2) to facilitate joint operations by the special operations forces of NATO nations and such NATO partner nations;
(3) to support special operations forces peculiar to NATO command, control, and communications capabilities;
(4) to promote special operations forces intelligence and informational requirements within the NATO structure; and
(5) to promote interoperability through the development of common equipment standards, tactics, techniques, and procedures through execution of a multinational education and training program.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 138 of title 10, United States Code, is amended by adding at the end the following new item:


(c) REPEAL.—Section 124h of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2541) is repealed.

SEC. 1235. REPORT ON UNITED STATES MILITARY INTEGRATION AND RESOURCING REQUIREMENTS IN EUROPE.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing an assessment of the United States posture requirements for the United States European Command to support the following objectives:

(1) Implementation of the National Defense Strategy with respect to the area of responsibility of the United States European Command.
(2) Fulfillment of the commitments of the United States to NATO operations, missions, and activities, as modified and agreed upon at the 2022 Madrid Summit.
(3) Reduction of the risk of executing the contingency plans of the Department of Defense.
(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) For each military service and warfighting domain, a description of the force structure and posture of assigned and allocated forces in Europe, including consideration of the balance of permanently stationed forces and forces rotating from the United States, to support the objectives described in paragraph (1).
(2) An assessment of the military training and all domain exercises to support such objectives, including—

(a) training and exercises on interoperability; and
(b) joint activities with allies and partners.
(3) An assessment of logistics requirements, including personnel, equipment, supplies, pre-positioned storage, host country support and agreements, and maintenance needs for United States European Command.
(4) An identification of required infrastructure, facilities, and military construction investments to support such objectives.
(5) A description of the requirements for United States European Command integrated air and missile defense throughout the area of responsibility of the United States European Command.
(6) An assessment of United States security cooperation activities and resources required to support such objectives.
(7) An assessment of the resources necessary to address the elements described in paragraphs (1) through (6), categorized by the budget accounts for—

(A) training;
(B) research, development, test, and evaluation;
(C) operation and maintenance;
(D) military personnel; and
(E) military construction.
(8) The projected timeline to achieve fulfillment of each such element.
(9) Any other information the Secretary considers relevant.

(c) FORM.—The report required by subsection (a) may be submitted in classified form but shall include an unclassified summary.

SEC. 1236. SENSE OF THE SENATE AND REPORT ON CIVILIAN HARM.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the military operations of the Armed Forces of the United States—

(A) uphold the highest standards of professionalism during the conduct of effective, efficient, and decisive military operations around the world in defense of the people of the United States; and
(B) go to great lengths to minimize civilian harm during the conduct of military operations; and
(2) the Russian Federation has demonstrated a complete disregard for the safety of civilians during its unlawful and unprovoked invasion of Ukraine, which has involved indiscriminate bombing of civilian areas and executions of noncombatants.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report detailing the atrocities committed by the Russian Federation against civilians in Ukraine.
(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form.

SEC. 1237. SENSE OF THE SENATE ON THE NORTH ATLANTIC TREATY ORGANIZATION.

It is the sense of the Senate that—

(1) the successor to the North Atlantic Treaty Organization (NATO) is critical to advancing 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) the contributions of NATO to the collective defense are indispensable to the security, prosperity, and freedom of its members; and
(4) the United States reaffirms its ironclad commitment—

(A) to NATO as the foundation of transatlantic security; and
(B) to upholding the obligations of the United States under the North Atlantic Treaty, done at Washington, DC, April 4, 1949, including Article 5 of the Treaty;
(5) the 2022 NATO Strategy correctly highlights the criticality of alliances and partnerships, stating that “[m]utually-beneficial alliances and partnerships are an enduring foundation of the United States, and are critical to achieving our objectives, as the unified response to Russia’s further invasion of Ukraine has demonstrated”;
(6) the Russian Federation’s premeditated and unprovoked invasion of Ukraine poses the most direct threat to security and stability in Europe since the end of World War II and requires the full attention of the NATO alliance;
(7) the unprovoked and illegal war conducted by the Russian Federation against Ukraine is a rollback of the concept of transatlantic security and requires—

(A) a reinvigorated commitment to the shared principles of the NATO alliance; and
(B) the persistent threat of violent extremism.
(8) as NATO refocuses its deterrence and defense posture to respond to the Russian Federation’s escalatory actions, allies must simultaneously address threats posed across domains and all areas of the Euro-Atlantic region, including—

(A) threats posed by predatory investments and influence operations carried out by the People’s Republic of China;
(B) border disruptions emanating from Belarus; and
(C) the persistent threat of violent extremism.
(9) to respond to aggression by the Russian Federation and address other threats, the NATO alliance should—

(A) assess opportunities to further bolster the NATO enhanced Forward Presence and enhanced Vigilance Activity battlegroups;
(B) focus efforts on burden sharing agreements made in the Wales Pledge, capability targets, contributions to NATO missions and operations, and resilience commitments;
(C) consider force posture adjustments to address emerging security concerns highlighted by the Russian Federation’s invasion of Ukraine;
(D) explore additional opportunities to strengthen cooperation with non-NATO countries to counter malign activities carried out by the Russian Federation;
(E) continue efforts to identify, coordinate, and deliver humanitarian aid and security assistance to Ukraine;
(F) intensify efforts to work with NATO allies to establish and enhance rapid and assured movement of military forces throughout the North Atlantic region and across the continent of Europe on land, on and under the sea, and in the air, including through increased investment, cooperation, and standardization intended to identify and reduce obstacles to the movement of United States and allied military forces in a time of crisis or conflict;
(9) reaffirm the open-door policy of NATO to allow any European country to apply for membership and be considered on its merits for admission, including—

(i) aspirants such as Ukraine, Georgia, and Bosnia and Herzegovina; and
(ii) Finland and Sweden, which in the wake of the Russian Federation’s illegal invasion of Ukraine, have sought NATO membership to further bolster their own security and the security of the Euro-Atlantic region; and
(G) continue efforts to evaluate whether the NATO alliance is sufficiently funded and resourced to carry out its objectives;
(10) the United States and fellow NATO allies should continue to—

(A) improve interoperability among the military forces of NATO allies and non-NATO allies so as to enhance effective and efficient collective operations, including by the divestment of Soviet-era platforms;
(B) strive for continued progress on key initiatives set forth in recent NATO summits such as joint thinking, joint multi-domain operations, and resilience;
(C) enhance security sector cooperation and explore opportunities to reinforce civil security environments and resilience measures, which may be likely targets of malign influence and hybrid campaigns;
(D) to mitigate the impact of hybrid warfare operations, particularly such operations in the information and cyber domains;
(E) to expand joint research and development initiatives, with a focus on emerging technologies such as quantum computing, machine learning, and artificial intelligence, and machine learning;
(F) to enhance interoperability, build institutional capacity, and strengthen the collective ability of NATO allies to resist malign influence from the Russian Federation and the People’s Republic of China; and

(G) continue efforts to cooperate with fellow NATO allies to ensure—
(G) to coordinate and de-conflict security efforts and the dedication of resources with the European Union—

(i) to ensure the fulfillment of European Union and NATO common interests and objectives; and

(ii) to minimize unnecessary overlaps;

(ii) the European Deterrence Initiative remaining essential and important, including for purposes of strengthening allied and partner capability and power projection along the eastern flank of NATO, and has demonstrated significant value during the current Russian Federation attack on Ukraine;

(2) NATO should maintain cooperation on COVID-19 response efforts and expand cooperation for future pandemic and disaster preparedness;

(3) the policy of the United States should be to rally support and coordinate assistance from interested allies and partner countries to advance a coordinated strategy that includes diverse elements of the transatlantic security architecture.

SEC. 1235. SENSE OF THE SENATE ON UKRAINE.

It is the sense of the Senate that—

(1) the United States stands with the people of Ukraine as they defend their freedom and sovereignty and the pursuit of further Euro-Atlantic integration;

(2) the Russian Federation’s premeditated and unprovoked invasion of Ukraine—

(A) willfully violates the territorial sovereignty of Ukraine and the democratic aspirations of the people of Ukraine; and

(B) presents the gravest threat to transatlantic security since World War II;

(3) the Russian Federation continues to commit heinous acts against Ukrainian civilians and members of the military forces of Ukraine;

(4) the Russian Federation has no right or authority to veto Ukraine’s pursuit of membership in the North Atlantic Treaty Organization (NATO), or the determination of any country’s own decision to pursue such membership in accordance with NATO’s open-door policy;

(5) the United States, fellow NATO allies and partners, and the international community—

(A) rallied support and coordinated assistance for Ukraine;

(B) strengthened and NATO presence and engagement along NATO’s eastern flank; and

(C) imposed a severe and far-reaching set of economic measures to respond to the Russian Federation’s violation of the sovereignty and territorial integrity of Ukraine; and

(6) the United States should—

(A) continue to work closely with NATO allies and non-NATO allies and partners to support the ability of Ukraine to repel and rebuild from the Russian Federation’s invasion, including by—

(i) states to provide the Government of Ukraine with targeted security, intelligence, and humanitarian assistance to strengthen the defenses of Ukraine and mitigate the threat posed by the Russian Federation’s brutality, consistent with the security interests of the United States;

(ii) coordinating sanctions, export restrictions, and other economic penalties against the Russian Federation and any country that enables the Russian Federation’s invasion of Ukraine;

(iii) supporting efforts to enhance the cybersecurity capabilities of Ukraine;

(B) consider whether further adjustments to United States and NATO military force posture within the area of responsibility of the United States European Command are necessary to enhance the security environment caused by the Russian Federation;

(C) explore opportunities to further strengthen partnerships with non-NATO partners in Europe;

(D) continue to support—

(i) efforts to counter disinformation; and

(ii) free media sources such as Voice of America and Radio Free Europe/Radio Liberty;

(E) support energy diversification efforts across the Euro-Atlantic region to reduce dependency on energy from the Russian Federation.

Subtitle D—Matters Relating to the Indo-Pacific Region

SEC. 1241. EXTENSION AND MODIFICATION OF AUTHORITY TO TRANSFER FUNDS FOR BRIDGING DEFENSE REQUIREMENTS OF THE INDO-PACIFIC REGION AND STUDY ON COMPETITIVE STRATEGIES.

(a) EXTENSION.—Section 1251 of the National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note) is amended—

(1) in subparagraph (A), by striking “fiscal years 2021 and 2022” and inserting “fiscal years 2021, 2022, and 2023”;

(2) in subparagraph (B)—

(A) by striking “willfully violates” and inserting “willfully violating”;

(B) by striking “‘a fait accompli’ to refer to the status quo with Taiwan.”;

(c) MODIFICATION OF AUTHORITY TO TRANSFER FUNDS FOR BRIDGING DEFENSE REQUIREMENTS OF THE INDO-PACIFIC REGION AND STUDY ON COMPETITIVE STRATEGIES.

In section 1251(d)(4) of the National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note), in paragraph (4) such section—

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

(B) by striking “to improve” and inserting “to modernize and improve”;

(C) by striking “and” and inserting “and its”; and

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

(vii) A budget display that compares the independent assessment of the Commander of the United States Pacific Command with the amounts contained in the budget display for the applicable fiscal year under subsection (f).
(D) section 614(a)(1) of the Foreign Assistance Act of 1961; or
(E) any other authority available to the Secretary of Defense or the Secretary of State.

(6) An identification of opportunities to build interoperability, combined readiness, joint planning capability, and share situational awareness among the United States, Taiwan, and other foreign partners and allies, as appropriate, through combined trainings, exercises, and planning activities, including—
(A) table-top exercises and wargames that allow operational commands to improve joint and combined war planning for contingencies involving a well-equipped adversary in a counter-intervention campaign;
(B) joint and combined exercises that test the feasibility of counter-intervention strategies, develop interoperability across services, and develop the lethality and survivability of combined forces against a well-equipped adversary;
(C) logistics exercises that test the feasibility of expeditionary logistics in an extended campaign with a well-equipped adversary;
(D) service-to-service exercise programs that build functional mission skills for addressing challenges posed by a well-equipped adversary in a counter-intervention campaign; and
(E) any other combined training, exercise, or planning activity with the military forces of Cold War level that the Secretary of Defense considers relevant.

(c) MODIFICATION OF ANNUAL REPORT.—Section 1248 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1888) is amended—
(1) in subsection (a)—
(A) by striking paragraph (7);
(B) by redesignating paragraph (6) as paragraph (7);
(C) by inserting after paragraph (5) the following new paragraph (6):

"(6) With respect to capabilities and capacities the Secretary of Defense assesses to be most effective in deterring, defeating, or delaying military aggression by the People's Republic of China, a prioritized list of capability gaps and capacity shortfalls of the military forces of Taiwan, including—
"(A) an identification of—
"(i) any United States, Taiwan, or ally or partner country defense production timeline challenges the Secretary of Defense and the United States agencies, shall develop options for the United States to use, to the maximum extent practical, to expedite military assistance to Taiwan in the event of a crisis or conflict.
"(ii) the associated investment costs of enabling expanded production for items currently or in the near future not exportable; and
"(iii) the associated investment costs of, or mitigation strategies for, enabling export for items currently not exportable; and

(2) in subsection (b)—
(A) in the subheading heading, by striking "PLAN" and inserting "PLANS";
(B) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and moving such subparagraphs 2 ens to the right;
(C) in the matter preceding subparagraph (A), as so redesignated, by striking "The Secretary" and inserting the following: "(1) ASSISTANCE TO IMPROVE TAIWAN'S DEFENSIVE ASYMMETRIC CAPABILITIES.—The Secretary'; and
(D) by adding at the end the following new paragraph:

"(2) EXPEDITED MILITARY ASSISTANCE.—
"(A) IN GENERAL.—The Secretary of Defense, in coordination with the heads of other relevant Federal departments and agencies, shall develop options for the United States to use, to the maximum extent practical, with the assistance and coordination of the United States to use, to the maximum extent practical, to expedite military assistance to Taiwan in the event of a crisis or conflict.

(3) an articulation of security considerations and any updates to such plans, as determined by the Secretary of Defense,

(4) in subsection (d), by striking "report", and inserting "reports";

 SEC. 1246. ENHANCING MAJOR DEFENSE PARTNERSHIP WITH INDIA.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall direct appropriate personnel within the Department of Defense to seek to engage their counterparts in the Ministry of Defence of India for the purpose of expanding cooperation on emerging technologies, readiness, and logistics.

(b) Topics.—At a minimum, the personnel described in subsection (a) shall seek to engage their counterparts in the Ministry of Defence of India on the following topics:

(1) Intelligence collection capabilities;
(2) Unmanned aerial vehicles;
(3) Fourth and fifth generation aircraft;
(4) Depot-level maintenance;
(5) Joint research and development;
(6) 5G and Open Radio Access Network technologies;
(7) Cyber;
(8) Cold-weather capabilities;
(9) Any other matter the Secretary considers relevant.

(c) Briefing.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide a briefing to the appropriate committees of Congress that includes—

(1) an assessment of the feasibility and advisability of expanding cooperation with the Ministry of Defence of India on the topics described in subsection (b);
(2) a description of other opportunities to expand cooperation with the Ministry of Defence of India on topics other than the topics described in such subsection;
(3) a description of any challenges, including agreements, authorities, and resourcing, that need to be addressed so as to expand cooperation with the Ministry of Defence of India on the topics described in such subsection;
(4) an articulation of security considerations to ensure the protection of research and development, intellectual property, and United States-provided equipment from being stolen or exploited by adversaries;
(5) an identification of opportunities for academia and private industry to participate in expanded cooperation with the Ministry of Defence of India; and
(6) any other matter the Secretary considers relevant.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on 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. 1247. ENHANCED INDICATIONS AND WARNING FOR DETERRENCE AND DISRUPTION.

(a) Establishment of Program for Enhanced Indications and Warning.—

(1) In General.—The Director of the Defense Intelligence Agency shall establish a program to increase warning time of potential aggression by adversary nation states,
focusing especially on the United States Indo-Pacific Command and United States European Command areas of operations.

(2) DESIGNATION.—The program established under paragraph (1) shall be known as the “Program for Enhanced Indications and Warning” (in this section the “Program”).

(3) PURPOSE.—The purpose of the Program is to provide the Department with sufficient time to plan and provide time for the Department to mount deterrence and dissuasion actions to persuade adversaries to refrain from aggression, including through potential revolutions or demonstrations of capabilities and actions to create doubt in the minds of adversary leaders regarding the prospects for military success.

(b) HEAD OF PROGRAM.—
(1) IN GENERAL.—The Director shall appoint a defense intelligence officer to serve as the mission manager for the Program.

(2) DESIGNATION.—The mission manager for the Program shall be known as the “Program Manager for Enhanced Indications and Warning” (in this section the “Program Manager”).

(c) SOURCES OF INFORMATION AND ANALYSIS.—The Program Manager shall ensure that the Program makes use of all available sources of information, from public, commercial, and classified sources across the intelligence community and the Department of Defense, as well as advanced analytics, including artificial intelligence, to establish a system capable of discerning deviations from normal behavior and activity that may indicate preparations for military actions.

(d) INTEGRATION WITH OTHER PROGRAMS.—
(1) SUPPORT.—The Program shall be supported by the Chief Digital and Artificial Intelligence Officer, the Maven project, by capabilities sponsored by the Office of the Under Secretary of Defense for Intelligence and Security, and programs already underway within the Defense Intelligence Agency.

(2) AGREEMENTS.—The Director shall seek to engage in agreements to integrate information and capabilities from other components of the intelligence community to facilitate the purpose of the Program.

(e) BRIEFINGS.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Program Manager shall provide to the appropriate committees of Congress a briefing on the status of the activities of the Program.

(f) TEAM LEADERSHIP.—
(1) THE PROGRAM MANAGER.—(A) In general.—The Secretary of Defense may establish, using existing authorities of the Department of Defense, a pilot program to enhance engagement with the Department with young civilian managers and security leaders in the Indo-Pacific region.

(2) The term “young civilian leaders” means—
(A) civilian leaders in the Department; and
(B) civilian leaders in foreign partner ministeries of defense; and

(3) building the capacity of young civilian leaders in the Department to promote civilian control of the military, respect for human rights, and adherence to the law of armed conflict.

(c) Designation of the pilot program subsection (a), the Secretary of Defense shall prioritize engagement with civilian defense leaders from foreign partner ministries of defense who are 40 years of age or younger.

(d) BRIEFINGS.—
(1) DESIGN PILOT PROGRAM.—Not later than June 1, 2023, the Secretary of Defense, in consultation with the Secretary of State, shall provide a briefing to the appropriate committees of Congress on the design of the pilot program under subsection (a).

(2) PROGRESS BRIEFING.—Not later than December 31, 2023, and annually thereafter until the date on which the pilot program terminates under subsection (e), the Secretary of Defense, in consultation with the Secretary of State, shall provide a briefing to the appropriate committees of Congress on the pilot program that includes—
(A) a description of the activities conducted and the results of such activities;
(B) an identification of existing authorities used to carry out the pilot program;
(C) any recommendations related to new authorities or modifications to existing authorities necessary to more effectively achieve the objectives of the pilot program; and
(D) any other matter the Secretary of Defense considers relevant.

(e) TERMINATION.—The pilot program under subsection (a) shall terminate on December 31, 2026.

(f) DEFINITIONS.—In this section:
(A) the congressional defense committees; and
(B) committees (as defined in section 3 of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 111 note), the Secretary of Defense shall establish a cross-functional team—
(1) to integrate Department of Defense efforts to address national security challenges posed by the People’s Republic of China; and
(2) to ensure alignment across Department strategies, policies, resourcing, and fielding of relevant activities.

(b) DUTIES.—The duties of the cross-functional team established under subsection (a) shall be—
(1) to assist the Secretary with integrating Department efforts to address national security challenges posed by the People’s Republic of China; and
(2) to ensure alignment across Department strategies, policies, resourcing, and fielding of relevant activities.

(c) TEAM LEADERSHIP.—
(1) IN GENERAL.—The Secretary shall select an appropriate civilian official to lead the cross-functional team and shall designate the official to serve as the deputy to the civilian official so selected.

(2) DIRECT REPORTING.—The leadership of the cross-functional team shall report directly to the Secretary and the Deputy Secretary of Defense.

SEC. 1245. Pilot Program to Develop Young Civilian Leadership in the Indo-Pacific Region.

(a) In General.—The Secretary of Defense may establish, using existing authorities of the Department of Defense, a pilot program to enhance engagement with the Department with young civilian managers and security leaders in the Indo-Pacific region.

(b) Purposes.—The purposes of the program under subsection (a) shall include—
(A) to facilitate the purpose of the Program.

(2) the progress the team has made in—
(A) determining the roles and responsibilities of the organizations and elements of the Department with respect to the cross-functional team; and
(B) carrying out the duties under subsection (a).

SEC. 1241. Cross-Functional Team for Matters Relating to the People’s Republic of China, the Indo-Pacific Region, and Taiwan.

(a) Establishment.—The Secretary of Defense shall establish a cross-functional team—
(1) to integrate Department of Defense efforts to address national security challenges posed by the People’s Republic of China; and
(2) to ensure alignment across Department strategies, policies, resourcing, and fielding of relevant activities.

(b) Duties.—The duties of the cross-functional team established under subsection (a) shall be—
(1) to assist the Secretary with integrating Department efforts to address national security challenges posed by the People’s Republic of China; and
(2) to ensure alignment across Department strategies, policies, resourcing, and fielding of relevant activities.

(c) Team Leadership.—
(1) In General.—The Secretary shall select an appropriate civilian official to lead the cross-functional team and shall designate the official to serve as the deputy to the civilian official so selected.

(2) Direction Reporting.—The leadership of the cross-functional team shall report directly to the Secretary and the Deputy Secretary of Defense.


(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the adequacy of existing bilateral agreements between the United States and foreign governments to support the existing and planned military posture of the United States in the Indo-Pacific region.

(b) Elements.—The report shall include the following:
(1) An accounting of existing bilateral agreements that support the military posture of the United States in the Indo-Pacific region, by country and type.

(2) An articulation of the need for new bilateral agreements, by country and type, to support a more distributed United States military posture in the Indo-Pacific region, as outlined by the Global Force Posture Review, including agreements necessary—
(A) to establish new security locations, forward operating locations, and other locations in support of distributed operations; and
(B) to enable exercises and a more rotational force presence.

(3) A description of the relative priority of the agreements articulated under paragraph (2).

(4) Any specific request, financial or otherwise, made by a foreign government or a Federal agency other than the Department of Defense that complicates the completion of such agreements.

(5) A description of Department activities planned for the current and subsequent fiscal year that contribute to the completion of such agreements.

(6) A description of the manner in which the necessity for such agreements is communicated to, and coordinated with, the Secretary of State.

(7) Any other matter the Secretary of Defense considers relevant.

SEC. 1251. Sense of the Senate on Supporting Prioritization of the People’s Republic of China, the Indo-Pacific Region, and Taiwan.

It is the sense of the Senate that the President—
(1) supports the designations by the Department of Defense, as reflected in the 2022 National Defense Strategy and statements by Secretary of Defense Lloyd Austin and other senior Defense Department officials, of—
(A) the People’s Republic of China as the Department’s pacing challenge;
(B) the Indo-Pacific as the Department’s priority theater; and
(C) Taiwan as a contingency as the Department’s pacing scenario;

(2) underscores the importance of the Department continuing to prioritize the deterrence of aggression by the People’s Republic of China, particularly in the form of an invasion of Taiwan by the People’s Republic of China;
China, as the Government of the People's Republic of China expands and modernizes the People’s Liberation Army; and (3) strongly urges the Department to manage change in the region across these threats, recognize and resist, consistent with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.), that the United States Armed Forces maintain the ability to respond to a fait accompli by the People’s Republic of China in order to deter the People’s Republic of China from using force to unilaterally change the status quo in the Taiwan Strait.

SEC. 1252. SENSE OF CONGRESS ON DEFENSE ALLIANCES AND PARTNERSHIPS IN THE INDO-PACIFIC REGION.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States Indo-Pacific strategy states, “we will prioritize our single greatest asymmetric strength: our network of security alliances and partnerships. Across the region, the United States will work with allies and partners to deepen our interoperability and development and deploy advanced warfighting capabilities as we support them in defending their citizens and their sovereign interests.”

(2) In a fact sheet accompanying the National Defense Strategy states, “[m]utually-beneficial Alliances and partnerships are an enduring strength for the United States, and are central to our objective that the Department [of Defense] will incorporate ally and partner perspectives, competencies, and advantages at every stage of defense planning.”

(3) Chairman of the Joint Chiefs of Staff General Milley testified on April 7, 2022, that “our alliances and partnerships are our most significant and enduring advantages and are key to maintaining the international rules-based order that offers the best opportunities for peace and prosperity for America and the globe.”

(4) Commander of the United States Indo-Pacific Command Admiral Aquilino testified on March 10, 2022, that “a key U.S. asymmetric advantage that our security challengers do not possess is our network of strong alliances and partnerships. Because these relationships are based on shared values and interests, they provide us with significant advantages such as long-term mutual trust, understanding, respect, interoperability, and a common commitment to a free and open Pacific.”

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should continue efforts that strengthen United States alliances and 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 of America and Japan, signed at Washington, January 19, 1960, 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, including by maintaining the presence of approximately 28,500 members of the United States Armed Forces deployed to the country and affirming the United States commitment to extended deterrence along the full range of United States defense capabilities, consistent with the Mutual Defense Treaty Between the United States and the Republic of Korea, as in force on the day of the enactment of this Act, and through the partnership among Australia, the United Kingdom, and the United States (commonly known as “AUKUS”)—

(A) to advance the shared objective of a free and open Indo-Pacific region through bilateral and multilateral engagements and participation in exercises, defense trade, and collaboration on humanitarian aid and disaster response; and

(B) to enable greater cooperation on maritime security and maintaining freedom of navigation, enforcement of arms control regimes, and promoting peaceful cross-strait relations;

(3) strengthening the United States partnership with Taiwan, consistent with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.), and the Six Assurances, with the goal of improving Taiwan’s asymmetric defensive capabilities and promoting peaceful cross-strait relations;

(4) 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 between the military forces of the Republic of Singapore and the Armed Forces of the United States, including through participation in combined exercises and training;

(5) engaging with the Federated States of Micronesia, the Republic of the Marshall Islands, Palau, and other Pacific Island countries, with the goal of strengthening regional security and addressing issues of mutual concern, including promoting freedom from illegal, unreported, and unregulated fishing;

(6) collaborating with Canada, the United Kingdom, France, and other members of the Western Hemisphere, the Indo-Pacific Treaty Organization to build connectivity and advance a shared vision for the region that is principled, long-term, and anchored in democratic resilience; and

(7) investing in enhanced military posture and capabilities in the area of responsibility of the United States Indo-Pacific Command and strengthening cooperation in bilateral relationships, multilateral partnerships, and other international fora to uphold global security and shared principles, with the goal of ensuring the maintenance of a free and open Indo-Pacific region.

SEC. 1253. PROHIBITION ON USE OF FUNDS TO SUPPORT ENTERTAINMENT PROJECTS WITH THE GOVERNMENT OF THE PEOPLE’S REPUBLIC OF CHINA.

None of the funds authorized to be appropriated by this Act shall be used to support any project with the government of the People’s Republic of China or the Chinese Communist Party; or

(1) modifies or deletes in any way the content of the project as a result of any directive from any entity of the Government of the People’s Republic of China or the Chinese Communist Party.

Subtitle E—Reports

SEC. 1261. REPORT ON FIFTH FLEET CAPABILITIES UPGRADES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on—

(1) capabilities upgrades necessary to enable the Fifth Fleet to address emerging threats in its area of responsibility;

(2) any costs associated with such upgrades.

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

(1) An assessment of seaborne threats posed by Iran, and groups linked to Iran, to the military forces of United States allies and partners operating in the waters in and around the broader Middle East.

(2) A description of any capabilities upgrades necessary to enable the Fifth Fleet to address such threats.

(3) An estimate of the costs associated with any such upgrades.

(4) A description of any United States plan to deepen cooperation with other member countries of the Combined Maritime Forces at the strategic, policy, and functional levels for the purpose of addressing such threats, including by—

(A) enhancing coordination on defense planning;

(B) improving intelligence sharing; and

(C) deepening maritime interoperability.

(c) BROADER MIDDLE EAST DEFINED.—In this section, the term ‘‘broader Middle East’’ means—

(1) the land around the southern and eastern shores of the Mediterranean Sea;

(2) the Arabian Peninsula;

(3) Iran; and

(4) North Africa.

Subtitle F—Other Matters

SEC. 1271. PROHIBITION ON PARTICIPATION IN OFFENSIVE MILITARY OPERATIONS AGAINST THE HOUTHI HESSIANS.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act shall be made available to provide for Department of Defense participation in offensive military operations against the Houthis in Yemen by the coalition led by Saudi Arabia, unless a specific statutory authorization for such use of the United States Armed Forces has been enacted.

(b) WAIVER.—The Secretary of Defense may waive the prohibition under subsection (a) if the Secretary—

(1) determines that such a waiver is in the national security interests of the United States;

(2) issues the waiver in writing; and

(3) not more than 5 days after issuing the waiver, submits to the Committees on Armed Services of the Senate and the House of Representatives a notification that includes the text of the waiver and a justification for the waiver.

(c) WAIVER 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) support intended to assist Saudi Arabia, the United Arab Emirates, or other members of the Saudi-led coalition against threats emanating from Yemen to their sovereignty or territorial integrity, the
sovereignty or territorial integrity of any other United States partner or ally, or the safety of United States persons or property, including—

(A) threats from ballistic missiles, cruise missiles, or unmanned aerial vehicles; and

(B) explosive boat threats to international maritime traffic;

(3) the provision of humanitarian assistance; or

(4) the preservation of freedom of navigation.

(2) EXTENSION OF PROHIBITION ON IN-FLIGHT REFUELING TO NON-UNITED STATES AIRCRAFT THAT ENGAGE IN HOSTILITIES IN THE ONGOING CIVIL WAR IN YEMEN.

‘‘For the two-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023, the Department of Defense may not provide in-flight refueling pursuant to section 2342 of title 10, United States Code, or any other applicable statutory authority, to non-United States aircraft that engage in hostilities in the ongoing civil war in Yemen unless and until a declaration of war or a specific statutory authorization for such use of United States Armed Forces has been enacted.”.

SEC. 1272. EXTENSION OF AUTHORITY FOR UNITED STATES-ISRAEL COOPERATION TO COUNTER UNMANNED AERIAL SYSTEMS.

Section 1276(f) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1702; 22 U.S.C. 6866 note) is amended by striking ‘‘December 31, 2024’’ and inserting ‘‘December 31, 2026’’.

SEC. 1273. EXTENSION OF AUTHORITY FOR CERTAIN PAYMENTS TO REDRESS INJURY AND LOSS.

Section 1246(a) of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 2731 note) is amended by striking ‘‘December 31, 2023’’ and inserting ‘‘December 31, 2024’’.

SEC. 1274. MODIFICATION OF SECRETARY OF DEFENSE STRATEGIC COMPETITION INITIATIVE.

(a) AUTHORITY.—Subsection (a) of section 1312 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 133 Stat. 207; 10 U.S.C. 301 note) is amended by striking ‘‘the Secretary of Defense’’ and adding ‘‘that—

(1) advance United States national security objectives for strategic competition by supporting Department of Defense efforts to compete below the threshold of armed conflict;

(2) support other Federal departments and agencies in advancing United States interests relating to strategic competition.’’;

(b) AUTHORIZED ACTIVITIES AND PROGRAMS.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

‘‘(5) Other activities or programs of the Department of Defense, including activities to coordinate with or support other Federal departments and agencies, that the Secretary of Defense determines would advance United States national security objectives for strategic competition.’’;

SEC. 1275. ASSESSMENT OF CHALLENGES TO IMPLEMENTATION OF THE PARTNERSHIP AMONG AUSTRALIA, THE UNITED KINGDOM, AND THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center for the conduct of an independent assessment of resourcing, policy, and process challenges to implementing the partnership among Australia, the United Kingdom, and United States (commonly known as the ‘‘AUKUS partnership’’) announced on September 21, 2021.

(b) MATTERS TO BE CONSIDERED.—In conducting the assessment required by section (a), the federally funded research and development center shall consider the following with respect to each of Australia, the United Kingdom, and the United States:

(1) Potential resourcing and personnel shortfalls.

(2) Information sharing, including foreign disclosure policy and processes.

(3) Statutory, regulatory, and other policies and processes.

(4) Intellectual property, including patents.

(5) Export controls, including technology transfer and protection.

(6) Security protocols and practices, including personnel, operational, physical, facility, cybersecurity, counterintelligence, marking and classifying information, and handling and transmission of classified material.

(7) Any other matter the Secretary considers appropriate.

(c) RECOMMENDATIONS.—The federally funded research and development center selected to conduct the assessment under this section shall include, as part of such assessment, recommendations for improvements to resourcing, policy, and processes challenges to implementing the AUKUS partnership.

(d) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2024, the Secretary shall submit to the congressional defense committees a report that includes an unaltered copy of such assessment, together with the views of the Secretary on the assessment and on the recommendations included in the assessment pursuant to subsection (c).

(2) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. COOPERATIVE THREAT REDUCTION FUNDS.

(a) FUNDING ALLOCATION.—Of the $341,508,000 authorized to be appropriated to the Department of Defense for fiscal year 2023 in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1201 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $5,860,000.

(2) For chemical weapons destruction, $15,000,000.

(3) For global nuclear security, $18,090,000.

(4) For cooperative biological engagement, $225,000,000.

(5) For proliferation prevention, $45,890,000.

(6) For activities designated as Other Assessments/Administrative Costs, $30,760,000.

(b) SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.—Funds appropriated pursuant to paragraph (1) if the Stockpile Manager determines there is a shortfall of such materials in the stockpile; and

(2) By adding at the end the following:

‘‘(3) Using funds appropriated for acquisition of materials under this Act, the National Defense Stockpile Manager may acquire materials determined to be strategic and critical under section 3(a) without regard to the requirement of the first sentence of paragraph (1) if the Stockpile Manager determines there is a shortfall of such materials in the stockpile; and

(2) By adding at the end the following:

‘‘(B) INCREASE IN QUANTITIES OF MATERIALS TO BE STOCKPILED.—Section 3(c)(2) of the
SEC. 1412. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2023 from the Armed Forces Retirement Home Trust Fund the sum of $152,800 to acquire the Armored Forces Retirement Home.

SEC. 1422. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION PROGRAM FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds appropriated by section 1405 and available for the Defense Health Program for operation and maintenance, $167,600,000 may be transferred by the Secretary of Defense to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Program established by subsection (a) of section 1704 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).

(b) TREATMENT OF TRANSFERRED FUNDS.—For purposes of subsection (a) of such section 1704, any funds transferred under subsection (a) shall be treated as amounts authorized and appropriated specifically for the purpose of such transfer.

(c) USE OF TRANSFERRED FUNDS.—For purposes of subsection (b) of such section 1704, any funds transferred under subsection (a) may be used by the operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center—Veterans Integrated Disability Evaluation Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covering section 106 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 119–117; 122 Stat. 4500).

TITLE XV—SPACE ACTIVITIES, STRATEGIC PROGRAMS, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

SEC. 1501. ADDITIONAL AUTHORITIES OF CHIEF OF SPACE OPERATIONS.

Section 1621(b) of title 10, United States Code, is amended—

(1) by striking—

"(C) An identification of units and resources of the combatant commands.

(7) be the force design architect for space systems of the armed forces..."

and inserting—

"(C) An identification of units and resources of the combatant commands.

(7) be the force design architect for space systems of the armed forces..."

(2) by inserting a new paragraph (8) at the end of subsection (a) (in the matter before paragraph (7))—

"(8) be responsible for line-of-business organization, including the Space Operations, Space Superiority, and Intelligence, Surveillance, and Reconnaissance (ISR) elements of the combatant commands.

(b) FISCAL YEAR LIMITATION.—The authority under subsection (a) is available for purchase of the Defense Advanced Research Projects Agency Transaction Fund $1,003,500,000 for acquisitions of strategic and critical materials stockpiled that involve the acquisition of additional materials for the stockpile; and

(b) Authorization of Appropriations.—There is authorized to be appropriated to the National Defense Stockpile Transaction Fund $1,003,500,000 for the acquisition of strategic and critical materials under section 6(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

Subtitle C—Other Matters

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

SEC. 1502. COMPREHENSIVE STRATEGY FOR THE SPACE FORCE.

(a) STRATEGIC OBJECTIVES.—The Secretary of the Air Force and the Chief of Space Operations shall jointly develop strategic objectives to organize, train, and equip the Space Force, including objectives that emphasize achieving and maintaining—

(1) United States space superiority;

(2) global communications, command and control, and intelligence, surveillance, and reconnaissance for the combatant commands and the respective components of the combatant commands; and

(3) the resources required to develop, and deployment of Space Force capabilities to meet the full range of joint warfare space requirements of the combatant commands.

(b) Space Superiority Defined.—In this section, the term ‘‘space superiority’’ means the degree of control in space of one force over any others that permits the conduct of its operations at a given time and place without prohibitive interference from terrestrial or space-based threats.

SEC. 1503. REVIEW OF SPACE DEVELOPMENT PROGRAMS, AND INTELLIGENCE CAPABILITIES INTEGRATION AND DEVELOPMENT SYSTEM.

(a) IN GENERAL.—Not later than March 31, 2023, the Secretary of Defense shall complete a review of the exemption of the Space Development Agency from the Joint Capabilities Integration and Development System.

(b) RECOMMENDATION.—Not later than 30 days after the date on which the review under subsection (a) is completed, the Secretary of Defense shall submit to the congressional defense committees a recommendation as to whether such exemption should continue to apply to the Space Development Agency.

(c) IMPLEMENTATION.—Not later than 60 days after the date on which the recommendation is submitted under subsection (b), the Secretary of the Air Force and the Director of the Space Development Agency shall implement the recommendation.

SEC. 1504. APPLIED RESEARCH AND EDUCATIONAL ACTIVITIES TO SUPPORT SPACE TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—The Secretary of the Air Force and the Chief of Space Operations, in coordination with the Chief Technology and Innovation Office of the Space Force, may carry out applied research and educational activities to support space technology development.

(b) Activities.—Activities carried out under subsection (a) shall support the applied research, development, and demonstration of the Space Force, including by addressing and facilitating the advancement of capabilities related to—

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Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98(c)(2)) is amended—

(1) by amending the first sentence to read as follows: ‘‘The President shall notify Congress in writing of any increase proposed to be made in the quantity of any material to be stockpiled that involves the acquisition of additional materials for the stockpile;’’;

(2) in subsection (a), by striking ‘‘the change after the end of the 45-day period’’ and inserting ‘‘the increase after the end of the 30-day period’’; and

(3) in the fifth sentence, by striking ‘‘change’’ and inserting ‘‘increase’’.

SEC. 1412. BRIEFINGS ON SHORTFALLS IN NATIONAL DEFENSE STOCKPILE.

Section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5) is amended by adding at the end the following new subsection:

‘‘(1) Not later than March 1 of each year, the National Defense Stockpile Manager shall provide to the congressional defense committees a briefing on strategic and critical materials that—

‘‘(A) are determined to be in shortfall in the most recent report on stockpile requirements for the fiscal year submitted under section 11(b).

‘‘(B) the acquisition or disposal of which is included in the annual materials plan for the operation of the stockpile during the next fiscal year as submitted under section 11(b).

‘‘(2) Each briefing required by paragraph (1) shall include—

‘‘(A) a description of each material described in paragraph (1)(B), including the objective to be achieved if funding is provided, in whole or in part, for the acquisition of the material to remedy the shortfall;

‘‘(B) an estimate of additional amounts required to provide such funding, if any; and

‘‘(C) an assessment of the supply chain for each such material, including any assessment of any relevant risk in any such supply chain.’’.

SEC. 1413. AUTHORITY TO ACQUIRE MATERIALS FOR THE NATIONAL DEFENSE STOCKPILE.

(a) ACQUISITION AUTHORITY.—Of the funds appropriated into the National Defense Stockpile Transaction Fund pursuant to the authorization of appropriations under subsection (c), the National Defense Stockpile Manager may use up to $1,003,500,000 for acquiring strategic and critical materials determined to be strategic and critical materials required to meet the defense, industrial, and essential civilian needs of the United States:

(1) grain-oriented electric steel, titanium, and neodymium iron boron (NdFeB) magnet block.

(2) Titanium.

(3) Energetic materials.

(4) Isolated graphite.

(5) Grain-oriented electric steel.

(6) Tire cord steel.

(7) Gallium zinc boride.

(8) Any additional materials identified as stockpile requirements in the most recent report submitted to Congress under section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5).

(b) FISCAL YEAR LIMITATION.—The authority under subsection (a) is available for purchase of the Defense Advanced Research Projects Agency Transaction Fund $1,003,500,000 for acquisitions of strategic and critical materials stockpiled that involve the acquisition of additional materials for the stockpile; and

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the National Defense Stockpile Transaction Fund $1,003,500,000 for the acquisition of strategic and critical materials under section 6(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5).

(d) COMPLIANCE WITH STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT.—Any acquisition using funds appropriated pursuant to the authorization of appropriations under subsection (c) shall be carried out in accordance with the provisions of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).
(1) space domain awareness;
(2) positioning, navigation, and timing;
(3) communications;
(4) hypersonics;
(5) cybersecurity; and
(6) any other matter the Secretary of the Air Force considers relevant.
(c) EDUCATION AND TRAINING.—Activities carried out in clause (a) include—
(1) promote education and training for students so as to support the future national security space workforce of the United States; and
(2) explore opportunities for international collaboration.
(d) TERMINATION.—The authority provided by this section shall expire on December 31, 2027.

SEC. 1505. CONTINUED REQUIREMENT 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 from launch service providers that use launch vehicles meeting Federal requirements with respect to required payloads to reference orbits.

SEC. 1506. EXTENSION OF ANNUAL REPORT ON NUCLEAR COMMAND AND CONTROL.
Section 1613(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1731) is amended by striking “2021” and inserting “2030”.

SEC. 1507. MODIFICATION OF REPORTS ON INTEGRATION OF ACQUISITION AND CAPABILITY DELIVERY SCHEDULES FOR SEGMENTS OF MAJOR SATELLITE ACQUISITIONS PROGRAMS AND FUNDING FOR SUCH PROGRAMS.
Sec. 227(f) of title 10, United States Code, is amended by striking paragraph (3).

SEC. 1508. UPDATE PLAN TO MANAGE INTEGRATED TACTICAL WARNING AND ATTACK ASSESSMENT SYSTEM AND MULTI-DOMAIN SENSORS.
(a) UPDATE REQUIRED.—Not later than one year after the date of enactment of this Act, the Secretary of the Air Force shall update the plan that was developed pursuant to section 1669 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91).
(b) COORDINATION WITH OTHER AGENCIES.—In developing the update required by subsection (a), the Secretary shall—
(1) coordinate with the Secretary of the Army, the Secretary of the Navy, the Director of the Missile Defense Agency, the Director of the National Reconnaissance Office, and the Director of the Space Development Agency; and
(2) solicit comments on the plan, if any, from the Commander of United States Strategic Command, the Commander of United States Northern Command, and the Commander of United States Space Command.
(c) SUBMITTAL TO CONGRESS.—Not later than 90 days after the update required by subsection (a) is complete, the Secretary of the Air Force shall submit the congressionally defense committees—
(1) the plan updated pursuant to subsection (a); and
(2) the comments from the Commander of United States Strategic Command, the Commander of United States Northern Command, and the Commander of United States Space Command, if any, solicited under subsection (b)(2).

Subtitle B—Nuclear Forces
SEC. 1511. MATTERS RELATING TO ROLE OF UNITED STATES NUCLEAR WEAPONS COUNCIL WITH RESPECT TO BUDGET FOR NUCLEAR WEAPONS ACQUISITION PROGRAMS.
(a) REPEAL OF TERMINATION OF NUCLEAR WEAPONS COUNCIL CERTIFICATION AND RESPONSIBILITY.—Section 1061(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 111 note) is hereby repealed.
(b) MODIFICATION TO RESPONSIBILITIES OF NUCLEAR WEAPONS COUNCIL.—(1) The Secretary of the United States Code, is amended by inserting “, in coordination with the Joint Requirements Oversight Council,” after “capabilities,” and
(2) MODIFICATION TO BUDGET AND FUNDING MATTERS FOR NUCLEAR WEAPONS PROGRAMS.—(1) IN GENERAL.—Section 179(f) of title 10, United States Code, is amended—
(A) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;
(B) striking the heading and inserting the following:

"BUDGET AND FUNDING MATTERS.—(1) The Council shall review each budget request transmitted by the Secretary of Energy to the Congress under section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757) and make a determination regarding the adequacy of each such request.
(2) Not later than 30 days after making a determination under subparagraph (A), the Council shall notify Congress that such a determination has been made.’; and
(C) striking paragraph (7), as so redesignated, and inserting the following new paragraph (7):—
(7) If a House of Congress adopts a bill authorizing or appropriating funds for the Department of Defense that, as determined by the Council, provides funds in an amount that will result in a delay in the nuclear certification or delivery of F-35A dual-capable aircraft, the Sentinel weapon system, the Columbia class ballistic missile submarine, the Long Range Standoff Weapon, the B-21 Raider long range bomber, a modernized nuclear command, control, and communications system, or other such nuclear weapons delivery or communications systems in development as of January 1, 2022, the Council shall notify the congressional defense committees of the determination.”;
(2) TRANSFER OF DETERMINATION OF ADEQUACY REQUIREMENT.—Subparagraph (B) of section 4717(a)(2) of the Atomic Energy Defense Act (50 U.S.C. 2757) is amended—
(A) transferring section 179(f) of title 10, United States Code, as amended by paragraph (1);
(B) inserted after paragraph (1)(A) of such section;
(C) amended—
(i) by moving such subparagraph 4 ems to the left;
(ii) by striking “DETERMINATION OF ADEQUACY,’” and all that follows through “(1) INADEQUATE REQUESTS,” and inserting “(1)’’;
(iii) in clause (1), by striking “paragraph (1)” and inserting “section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757);’’;
(iv) in clause (2), by—
(I) moving such clause 6 ems to the left;
(II) by striking the heading; and
(III) by striking “paragraph (1)” and inserting “section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757);’’;
and
(v) in clause (3),—
(I) by moving such clause 6 ems to the left;
and
(II) by striking the heading;
(d) MODIFICATION OF BUDGET REVIEW BY NUCLEAR WEAPONS COUNCIL.—Section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757) is amended—
(1) in subsection (a)—
(A) by striking paragraph (2) and inserting the following:
(2) REVIEW.—The Council shall review each budget request transmitted to the Council under paragraph (1) in accordance with section 179(f) of title 10, United States Code; ‘’;
and
(B) in paragraph (3)(A)—
(i) the matter preceding clause (i), by striking “paragraph (2)(B)(i)” and inserting “section 179(f)(1)(B)(i) of title 10, United States Code;’’;
and
(ii) clause (i), by striking “the description under paragraph (2)(B)(i)” and inserting “that description”; and
(2) in subsection (b)—
(C) by striking “COUNCIL.—In the heading and all that follows through ‘At the time’ and inserting “COUNCIL.—At the time’’; and
(D) by striking paragraph (2).

SEC. 1512. DEVELOPMENT OF RISK MANAGEMENT FRAMEWORK FOR THE UNITED STATES NUCLEAR ENTERPRISE.
(a) FRAMEWORK.—Not later than June 1, 2023, the Under Secretary of Defense for Acquisition and Sustainment and the Administrator for Nuclear Security, in coordination with the other members of the Nuclear Weapons Council, shall develop a joint risk management framework—
(1) to periodically identify, analyze, and respond to risks that affect the nuclear enterprise of the United States; and
(2) to report, internally to other members of the Nuclear Weapons Council and externally to relevant stakeholders, such risks and any associated mitigation efforts.
(b) ELEMENTS.—The framework required by subsection (a) shall include—
(1) programs to sustain and modernize the nuclear weapons stockpile of the United States;
(2) efforts to sustain and recapitalize infrastructure and facilities of the National Nuclear Security Administration that support programs of the Department of Defense;
(3) programs to sustain and modernize nuclear weapons delivery systems of the Department of Defense; and
(4) programs to sustain and modernize the nuclear command, control, and communications infrastructure of the United States.
(c) SUBJECT MATTER EXPERTISE.—The Under Secretary and the Administrator shall draw upon public and private sector resources to inform the development of the framework required by subsection (a), including by leveraging, to the maximum extent possible, the expertise within the Defense Acquisition University.

SEC. 1513. ANNUAL BRIEFING ON NUCLEAR WEAPONS AND RELATED ACTIVITIES.
Chapter 24 of title 10, United States Code, is amended by inserting after section 492a the following new section:

"SEC. 492b. BIANNUAL BRIEFING ON NUCLEAR WEAPONS AND RELATED ACTIVITIES.
(1) IN GENERAL.—On or about May 1 and November 1 of each calendar year, the official specified in subsection (b) shall brief the Committees on Armed Services of the Senate and the House of Representatives on matters relating to nuclear weapons policies, operations, the nuclear infrastructure of the United States; and other similar topics as requested by such committees.
(2) OFFICIALS SPECIFIED.—The officials specified in this subsection are—
(1) the Assistant Secretary of Defense for Acquisition.
"
SEC. 1514. PLAN FOR DEVELOPMENT OF REENTRY VEHICLES.
(a) IN GENERAL.—The Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Administrator for Nuclear Security and the Under Secretary of Defense for Research and Engineering, shall produce a plan for the development, during the 20 year period beginning on the date of the enactment of this Act, of—

(1) the Mark 21A reentry vehicle for the Air Force;
(2) the Mark 7 reentry vehicle for the Navy; and
(3) any other reentry vehicles for—

(A) the Sentinel intercontinental ballistic missile weapon system;
(B) the Trident II (D5) submarine-launched ballistic missile, or subsequent missile; and
(C) any other long range ballistic or hypersonic strike missile that may rely upon technologies similar to the technologies used in the Intercontinental Ballistic Missile System or the Minuteman III system.

(b) ELEMENTS.—The plan required by subsection (a) shall—

(1) describe—

(A) timed phases of production for the reentry aeroshell and the planned production and fielding of the reentry vehicle;
(B) the required developmental and operational testing capabilities and capacities, including acquisition capabilities and capacities of the reentry vehicle;
(C) the technology development and manufacturing capabilities that may require use of authorizations under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.); and
(D) the industrial base capabilities and capacities, including the availability of sufficient critical materials and staffing to ensure adequate competition between entities developing the reentry vehicle;

(2) provide for cost projections for the development of the first operational reentry vehicle and the production of subsequent reentry vehicles to meet Navy and Air Force requirements; and

(3) provide for the coordination with and account for the needs of the development by the Department of Defense of hypersonic systems using materials, staffing, and an industrial base similar to that required for the development of reentry vehicles described in subsection (a)."

SEC. 1515. INDUSTRIAL BASE MONITORING FOR B–21 AND SENTINEL PROGRAMS.
(a) IN GENERAL.—(1) The Secretary of the Air Force, acting through the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics, shall designate a senior official to monitor the combined industrial base supporting the acquisition of B–21 aircraft and Sentinel programs.

(b) REQUIREMENTS FOR MONITORING.—In monitoring the combined industrial base described in subsection (a), the senior official designated under that subsection shall—

(1) develop a plan describing the combined industrial base described in subsection (a),
(2) monitor the acquisition of—

(A) personnel; and
(B) materials, technologies, and components associated with nuclear weapons systems;

(3) report on the status of the combined industrial base described in subsection (a).

(c) ANNUAL REPORT.—Contemporaneously with the submission of the budget of the President pursuant to section 101(a) of title 31 for a fiscal year, the Secretary shall submit to the congressional defense committees with respect to progress made on activities by the Secretary of the Air Force in achieving initial and full operational capability for the LGM–35A Sentinel intercontinental ballistic missile weapon system to the Secretary of Defense and the Secretary of the Air Force and shall transmit the report to the congressional defense committees.

(d) WRAP SYSTEM DESIGNATION.—

(1) IN GENERAL.—For purposes of nomenclature and life cycle management, each wing level configuration of the LGM–35A Sentinel intercontinental ballistic missile shall be considered a weapon system.

(2) DEFINITIONS.—In this subsection:

(A) WEAPON SYSTEM.—The term ‘weapon system’ has the meaning given the term in Department of the Air Force Pamphlet 61–28, updated February 3, 2021.

(B) WING LEVEL CONFIGURATION.—The term ‘wing level configuration’ means a complete arrangement of subsystems and equipment of the LGM–35A Sentinel intercontinental ballistic missile weapon system required to function as a weapon.
SEC. 1517. SENSE OF THE SENATE AND BRIEFING ON NUCLEAR COOPERATION BETWEEN THE UNITED STATES AND THE UNITED KINGDOM.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States strategic nuclear deterrent, and the independent strategic nuclear deterrents of the United Kingdom and the Federative Republic, are the supreme guarantee of the security of the North Atlantic Treaty Organization (commonly referred to as ‘‘the NATO alliance’’ or ‘‘the Alliance’’), and (2) the security of the NATO alliance also relies upon nuclear sharing arrangements that predate, and are fully consistent with, the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1969 (commonly referred to as the ‘‘Non-Proliferation Treaty’’);

(3) such arrangements provide for the forward deployment of United States nuclear weapons in Europe, along with the supporting capabilities, infrastructure, and dual-capable aircraft dedicated to the delivery of United States nuclear weapons, provided by European NATO allies;

(4) in parallel to the independent commitments 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 significant collaborative benefits as a result of the cooperative relationship formalized in the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, signed at Washington July 3, 1958, and entered into force August 4, 1958, between the United States and the United Kingdom (commonly referred to as the ‘‘Mutual Defense Agreement’’); and

(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 important role in supporting the security interests of the United States and its allies of the United States and the United Kingdom;

(7) additionally, the extension of the nuclear deterrence commitments of the United Kingdom, as well as the unique partnership of the NATO alliance, serve to strengthen collective security while reducing the burden placed on United States nuclear forces to deter potential adversaries and act as allies of the United States;

(8) it is in the national security interest of the United States to support the United Kingdom with respect to the decision of the Government of the United Kingdom to maintain its nuclear forces to deter countries that are significantly increasing and diversifying their nuclear arsenals and ‘‘investing in warhead technologies and developing new ‘warfighting nuclear systems’’ that could threaten NATO allies, as outlined in the March 2021 report of the Government of the United Kingdom entitled ‘‘A Competitive Britain in a Competitive Age: The Integrated Review of Security, Defence, Development and Foreign Policy’’;

(9) the United States continues to modernize its aging nuclear forces to ensure its ability to continue to field a nuclear deterrent that is safe, secure, and effective, the United States and the United Kingdom have similar challenges in modernizing their existing nuclear forces; and

(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 submarines, and the parallel development of the W93 Mk7 warhead of the United States and the replacement warhead of the United Kingdom, will allow the United States and the United Kingdom to responsibly address challenges within their legacy nuclear forces in a cost-effective manner.

(A) preserves independent, sovereign control;

(B) is consistent with each country’s obligations under the Nuclear Non-Proliferation Treaty; and

(C) supports nonproliferation objectives; and

(11) continued cooperation between the nuclear programs of the United States and the United Kingdom is essential to ensuring that the NATO alliance continues to be supported by credible nuclear forces capable of preserving peace, preventing coercion, and deterring aggression.

(b) BRIEFING.—Not later than March 4, 2023, the Under Secretary of Defense for Acquisition and Sustainment shall brief the Committees on Armed Services of the Senate and the House of Representatives on opportunities to further enhance and strengthen the bilateral partnership between the nuclear enterprises of the United States and the United Kingdom, including potential cooperation in areas such as advanced manufacturing, microelectronics, supercomputing, and production modernization.

SEC. 1518. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF REPORTS ON INTERCONTINENTAL BALLISTIC MISSILE FORCE.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act for fiscal year 2023 for the Department of Defense or the Department of Energy for the purpose of deactivating, dismantling, or returing the B61–1 nuclear gravity bombs may be obligated or expended until the Secretary of the Department of Energy submit to the Committees on Armed Services of the Senate and the House of Representatives a report required by subsection (b).

(b) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Energy, acting through the Nuclear Weapons Council established under section 179 of title 10, United States Code, and the Joint Requirements Oversight Council established in consultation with the Director of National Intelligence, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the defeat of hard and deeply buried B83–1 nuclear gravity bombs for the fiscal year 2022 (Public Law 117–81; 135 Stat. 2097).

(2) REPORT DUE.—Not later than the date specified in paragraph (2), the Secretary of Defense shall submit to the congressional defense committees the reports and documents required under section 1647 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 2097).

(3) ELEMENTS.—The report required by subsection (b) shall include—

(A) a review of Department of Defense programs and policies that either such Secretary or the Secretary of Energy may conduct any limited research, development, production, or test activities on B83–1 nuclear gravity bombs for the fiscal year 2023 as provided in subsection (c), none of the funds under subsection (a) shall not apply to any of the following activities:

(I) The maintenance, sustainment, or replacement of intercontinental ballistic missiles.

(II) Ensuring the security, safety, or reliability of intercontinental ballistic missiles.

(III) Prevention of nuclear proliferation.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any of the following activities:

(I) The replacement of regional nuclear forces.

(II) Preventing the proliferation of nuclear weapons.

(III) Ensuring the security, safety, or reliability of intercontinental ballistic missiles.

(c) EXCEPTION.—The limitation on the use of funds under subsection (a) does not apply to any of the following activities:

(I) The maintenance, sustainment, or replacement of intercontinental ballistic missiles.

(II) Ensuring the security, safety, or reliability of intercontinental ballistic missiles.

(III) Prevention of nuclear proliferation.

(Sec. 1519. Prohibition on reduction of the intercontinental ballistic missile forces of the United States.)

SEC. 1519. PROHIBITION ON REDUCTION OF THE INTERCONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.

(a) PROHIBITION.—Except as provided in paragraph (b), no funds authorized to be appropriated to the Department of Defense for fiscal year 2023 for the Department of Defense may be obligated or expended for the following, and the Department may not otherwise take any action to do the following:

(1) Reduce, or prepare to reduce, the responsibility or alert level of the intercontinental ballistic missiles of the United States.

(2) Reduce, or prepare to reduce, the quantity of deployed intercontinental ballistic missiles of the United States to a number less than 400.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any of the following activities:

(1) The maintenance, sustainment, or replacement of intercontinental ballistic missiles.

(2) Ensuring the security, safety, or reliability of intercontinental ballistic missiles.

SEC. 1520. LIMITATION ON USE OF FUNDS FOR B61–1 RETIREMENT AND REPORT ON DEFEATING HARD AND DEEPLY BURIED TARGETS.

(a) LIMITATION ON USE OF FUNDS.—Except as provided in subsection (c), none of the funds authorized to be appropriated by this Act for fiscal year 2023 for the Department of Defense or the Department of Energy for the purpose of deactivating, dismantling, or retiring the B61–1 nuclear gravity bombs may be obligated or expended until the Secretary of the Department of Energy submit to the Committees on Armed Services of the Senate and the House of Representatives a report required by subsection (b).

(b) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Energy, acting through the Nuclear Weapons Council established under section 179 of title 10, United States Code, and the Joint Requirements Oversight Council established in consultation with the Director of National Intelligence, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the defeat of hard and deeply buried targets.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) A review of Department of Defense requirements for defeating hard and deeply buried targets, including facilities designed for the storage or manufacture of nuclear, chemical, and biological weapons and their precursors;

(B) An evaluation of the sufficiency of current and planned conventional and nuclear capabilities to satisfy such requirements;

(C) An identification of likely future trajectories in the worldwide use and proliferation of weapons of mass destruction and potential uses by non-state actors;

(D) An assessment of the resources, research and development efforts, and capability options needed to ensure that the United States maintains the ability to defeat hard and deeply buried targets and other related requirements; and

(E) A determination of the capability and cost of such resources, effort, and option assessed under subparagraph (D).

(3) ASSESSMENT.—In order to perform the assessment required by paragraph (2)(D), the Secretary of Defense and the Secretary of Energy may conduct any limited research and development that either such Secretary determines is necessary to perform the assessment.

(4) FORM.—The report required under this subsection shall be submitted in unclassified form, but may include a classified annex if necessary.

(c) EXCEPTION.—The limitation on the use of funds under subsection (a) does not apply to any of the following activities:

(I) Preventing the proliferation of nuclear weapons.

(II) Ensuring the security, safety, or reliability of intercontinental ballistic missiles.
other weapons currently in, or planned to be
come part of, the United States nuclear weapons stockpile.

SEC. 1521. LIMITATION ON USE OF FUNDS FOR NAVAL NUCLEAR FUEL SYSTEMS BASED ON LOW-ENRICHED URANIUM.

(a) LIMITATION.—None of the funds authorized to be appropriated for fiscal year 2023 for the National Nuclear Security Administration for the purposes of conducting research and development of advanced nuclear fuel system based on low-enriched uranium may be obligated or expended until the following congressional committees are submitted to the congressional defense committees:

(1) A determination made jointly by the Secretary of Energy and the Secretary of Defense whether the determination made jointly by the Secretary of Energy and the Secretary of the Navy pursuant to section 3118(c)(1) of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 114–92; 129 Stat. 1196) and submitted to the congressional defense committees on March 25, 2018, that the United States should not pursue research and development of an naval nuclear fuel system based on low-enriched uranium, remains valid.

(2) A determination by the Secretary of the Navy with respect to whether an advanced naval nuclear fuel system based on low-enriched uranium can be produced that not reduce vessel capability, increase expense, or reduce operational availability as a result of refueling requirements.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy for Nuclear Security shall submit to the congressional defense committees a report on activities conducted using amounts made available for fiscal year 2022 for advanced nuclear fuel development, including a description of any progress made toward technological or nonproliferation goals as a result of such activities.

SEC. 1522. FURTHER LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF ANALYSIS OF ALTERNATIVES FOR EARLY PARACHUTE CRUISE MISSILE.

Of the funds authorized to be appropriated by this Act for fiscal year 2023 for the Office of the Under Secretary of Defense for Policy, not more than 75 percent may be obligated or expended until the Secretary of Defense submits to the congressional defense committees a report on alternatives for the early parachute launched cruise missile.

SEC. 1523. MODIFICATION OF REPORTS ON NUCLEAR POSTURE REVIEW IMPLEMENTATION.

Section 491(c) of title 10, United States Code is amended—

(1) in the heading, by striking “2019” and inserting “2022”;

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

(A) by striking “2019” and inserting “2022”; and

(B) by striking “2019” and inserting “2022”;

and

(3) by striking paragraph (1) and inserting the following new paragraph (1)—

“(1) ensure that the report required by section 829 of this title is transmitted to Congress, if so required under such section;”.

SEC. 1524. MODIFICATION OF REQUIREMENTS FOR PLUTONIUM PIT PRODUCTION CAPACITY PLAN.

(a) NOTIFICATION REQUIRED.—Section 4219(c) of the Atomic Energy Defense Act (50 U.S.C. 2538a(c)) is amended—

(1) by striking “that subsection, by” and inserting “subsection (a),”;

(2) by striking “subsection (a), which” and inserting “subsection (a),”;

(3) by striking “2019” and inserting “2029”;

(4) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(5) by striking “2025” and inserting “2029”;

(6) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

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

(1) An inventory of all networks and information systems that support the Ballistic Missile Defense System.

(2) A strategy—

(A) for coordinating with the applicable Combatant Commands on persistent cybersecurity operations; and

(B) in which the Director for Operational Test and Evaluation monitors and reviews such operations and provides independent assessments of their adequacy and sufficiency.

(3) A plan for how the Missile Defense Agency will respond to cybersecurity testing recommendations made by the Inspector General.

(4) The timeline required to execute the plan.

(c) BRIEFINGS.—The Secretary of the Navy shall provide to the congressional defense committees briefings—

(1) not later than May 15, 2023, on the plan developed under subsection (a); and

(2) not later than December 30, 2023, on progress made towards implementing such plan.

SEC. 1542. MIDDLE EAST INTEGRATED AIR AND MISSILE DEFENSE.

(a) IN GENERAL.—The Secretary of Defense shall submit to the applicable committees in Congress a plan to conduct persistent cybersecurity operations toward technological or nonproliferation goals as a result of such activities.

(b) COUNTRIES SPECIFIED.—The countries specified in this subsection are as follows:

(1) Countries of the Gulf Cooperation Council.

(2) Iraq.

(3) Israel.

(4) Jordan.

(5) Egypt.

(6) Such other regional allies or partners of the United States as the Secretary may identify.

(c) STRATEGY.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the applicable committees a strategy on coordination with allies and partners in the Middle East to improve collective security in the region covered by the countries specified in subsection (b).

(b) DESCRIPTION OF CURRENT EFFORTS TO COORDINATE INDICATORS AND WARNINGS FROM SUCH ATTACKS WITH THE COUNTRIES SPECIFIED IN SUBSECTION (b).

(d) DESCRIPTION OF CURRENT SYSTEMS TO DEFEND AGAINST ATTACKS IN THE REGION COVERED BY THE COUNTRIES SPECIFIED IN SUBSECTION (b).

(e) DESCRIPTION OF CURRENT SYSTEMS TO DEFEND AGAINST ATTACKS IN THE REGION COVERED BY THE COUNTRIES SPECIFIED IN SUBSECTION (b).
(E) A description of efforts to engage specified foreign partners in establishing such an architecture.

(F) An identification of elements of the integrated air and missile defense architecture that—

(i) can be acquired and operated by specified foreign partners; and

(ii) is designated under subsection (a) to be operated by members of the Armed Forces.

(G) An identification of any challenges in establishing an integrated air and missile defense architecture with specified foreign partners.

(H) An assessment of progress, and key challenges, in the implementation of the strategy using such metrics identified under paragraph (4).

(I) Recommendations for improvements in the implementation of the strategy based on the metrics identified under paragraph (4).

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

(3) PROTECTION OF SENSITIVE INFORMATION.—Any activity carried out under paragraph (1) shall be conducted in a manner that appropriately protects sensitive information and the national security interests of the United States.

(4) METRICS.—The Secretary shall identify metrics to assess progress in the implementation of the strategy required in paragraph (1).

(5) FORMAT.—The strategy submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(6) FEASIBILITY STUDY.—

(I) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) complete a study on the feasibility and advisability of establishing a fund for an integrated missile and air defense system to counter the threats from cruise and ballistic missiles, manned and unmanned aerial systems, and rocket attacks for the countries specified in subsection (b) from Iran and groups linked with Iran; and

(B) submit to the congressional defense committees the findings of the Secretary with respect to the study completed under subparagraph (A).

(II) ASSESSMENT OF CONTRIBUTIONS.—The study completed under paragraph (1)(A) shall include an outline of funds that could be contributed by allies of the United States and countries that are partners with the United States.

SEC. 1545. DESIGNATION OF A DEPARTMENT OF DEFENSE INDIVIDUAL RESPONSIBLE FOR MISSILE DEFENSE OF GUAM.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior Department of Defense individual responsible for the missile defense of Guam.

(b) Duties.—The duties of the individual designated under subsection (a) shall include the following:

(1) Designating the architecture of the missile defense system for defending Guam.

(2) Overseeing development of an integrated missile defense acquisition strategy for the missile defense of Guam.

(3) Ensuring the military service and Defense agency component budgets are appropriated for the strategy described in paragraph (2).

(4) Siting the integrated missile defense system described in paragraph (2).

(5) In carrying out the long-term acquisition and sustainment of the missile defense system for Guam.

(c) Program Treatment.—The integrated missile defense system referred to in subsection (b) shall be designated as special interest acquisition category 1D program and shall be managed as consistent with Department of Defense Instruction 5000.85 ‘Major Capability Acquisition’.

(d) Report.—Concurrent with the submittal of each budget of the President under title 10 of United States Code, the individual designated under subsection (a) shall submit to the congressional defense committees a report on the actions taken by the Secretary of Defense to carry out the duties set forth under subsection (b).

(e) Termination.—Subsections (a) and (d) shall terminate on the date that is three years after the date on which the individual designated under subsection (a) determines that the integrated missile defense system described in this section has achieved initial operational capability.

SEC. 1544. MODIFICATION OF PROVISION REQUIRING FUNDING PLAN FOR NEXT GENERATION INTERCEPTORS FOR MISSILE DEFENSE OF UNITED STATES HOMELAND.

Section 1668 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) is amended—

(I) in subsection (a)(2), by striking ‘‘at least 20’’ and inserting ‘‘no fewer than 61’’;

(II) in subsection (b), by striking ‘‘fiscal year 2023’’ and inserting ‘‘fiscal year 2024’’;

(III) in subsection (c)—

(A) in the matter before paragraph (1)—

(i) by striking ‘‘90 days prior to any’’ and inserting ‘‘90 days prior to implementation of’’; and

(ii) by striking ‘‘Director’’ and inserting ‘‘Secretary of Defense’’; and

(B) in paragraph (2), by striking ‘‘Director’’ and inserting ‘‘Secretary of Defense’’;

(IV) in subsection (d)—

(A) the term ‘‘Secretary of Defense’’;

(B) in paragraph (2), by striking ‘‘fiscal year 2024’’ and inserting ‘‘fiscal year 2025’’;

(V) in subsection (e)—

(I) in subparagraph (D)—

(i) by striking the period at the end and inserting a semicolon;

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

(VI) in subsection (f)(1)—

(A) in paragraph (8)—

(i) in subparagraph (A)—

(II) In General.—Not later than 30 days prior to any or major subprogram under subsection (d), and

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

‘‘(C) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation.‘‘.

SEC. 1545. BIANNUAL BRIEFING ON MISSILE DEFENSE AND RELATED ACTIVITIES.

(a) In General.—Not later than June 1 and December 1 of each calendar year, the officers specified in subsection (b) shall brief the Committees on Armed Services of the Senate and the House of Representatives on issues relating to missile defense policies, operations, technology development, and other similar topics as requested by such committees.

(b) OFFICIALS SPECIFIED.—The officials specified in this subsection are the following:

(1) The Assistant Secretary of Defense for Acquisition;

(2) The Assistant Secretary of Defense for Space Policy;

(3) The Director of the Missile Defense Agency;

(4) The Director for Strategy, Plans, and Policy (J5) of the Joint Staff.

(c) DELEGATION.—An official specified in subsection (b) may delegate the authority to provide a briefing required by subsection (a) to any employee of such official who is a member of the Senior Executive Service.

(d) TERMINATION.—This section terminates on January 1, 2028.
of future efforts without an established acquisition baseline, and any costs under the responsibility of a military department or other Department entity.

SEC. 1547. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM AND ISRAELI CO-OPERATIVE MISSILE DEFENSE PROGRAM CO-DEVELOPMENT AND CO-PRODUCTION.

(a) IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.

(1) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act for fiscal year 2023 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than $80,000,000 may be provided to the Government of Israel to procure components for the Iron Dome short-range rocket defense system through co-production of such components in the United States industry by the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, as amended to include co-production for Tamir interceptors.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees a certification that—

(i) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and Production Readiness Reviews required for the development and technology agreement for the Arrow 3 Upper Tier Interceptor Program, including for co-production of parts and components in the United States industry

(ii) the Arrow 3 Upper Tier Interceptor Program shall be available for the Missile Defense Agency not more than $80,000,000 may be provided to the Government of Israel for the Arrow 3 Upper Tier Interceptor Program, including for co-production of parts and components in the United States industry

(iii) the Arrow 3Upper Tier Interceptor Program is not less than 50

(iv) the co-production of parts and components in the United States industry and minimizes nonrecurring costs due to co-production.

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(v) technical milestones for co-production of parts and components.

(i) joint approval processes for third-party providers;

(ii) the integration of offensive and defensive electronic warfare capabilities into Tier 1 and Tier 2 joint training exercises.

(vi) the integration of offensive and defensive electronic warfare capabilities into the exercise is cost prohibitive or not technically feasible based on the overall goals of the exercise.

(b) REQUIREMENT TO INCLUDE OPPosing FORCE.—The Chairman shall require exercises conducted under subsection (a) to include an opposing force design based on a current intelligence assessment of the electronic warfare order of battle and capabilities of an adversary.

(c) WAIVER.—The Chairman may waive the requirement under subsection (a) with respect to an exercise if the Chairman determines that—

(i) the exercise does not require—

(A) a demonstration of electronic warfare capabilities; or

(B) a militarily significant threat from electronic warfare attack or attack;

(ii) joint exercises that are necessary for the training of personnel for realistic operations to conduct in accordance with a briefing on exercises conducted conducted under subsection (a) that includes—

(A) a description of such exercises planned and included in the budget submission for the fiscal year; and

(B) the results of each such exercise conducted in the preceding fiscal year, including—

(A) the extent to which offensive and defensive electronic warfare capabilities were integrated into the exercise;

(B) an evaluation and assessment of the exercise to determine the impact of the adversary on the participants in the exercise, including—

(i) joint lessons learned;

(ii) high interest training issues; and

(iii) high interest training requirements; and

(C) whether offensive and defensive electronic warfare capabilities were integrated into the exercise.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means the following—

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1548. MAKING PERMANENT PROHIBITIONS RELATING TO MISSILE DEFENSE INFORMATION AND SYSTEMS.

Of the funds authorized to be appropriated by this Act for fiscal year 2023 for operation and maintenance, Defense-wide, and available for the Office of the Secretary of Defense, not more than $90 million may be obligated or expended until the date on which the Secretary notifies the congressional defense committees that designations required by section 1684(e) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) have been made.

Subtitle D—Other Matters

SEC. 1551. INTEGRATION OF ELECTRONIC WARFARE INTO DOD JUNIOR OFFICER 2 JOINT TRAINING EXERCISES.

(a) IN GENERAL.—During fiscal years 2023 through 2027, the Chairman of the Joint Chiefs of Staff shall require offensive and defensive electronic warfare capabilities be integrated into Tier 1 and Tier 2 joint training exercises.

(b) REQUIREMENT TO INCLUDE OPPosing FORCE.—The Chairman shall require exercises conducted under subsection (a) to include an opposing force design based on a current intelligence assessment of the electronic warfare order of battle and capabilities of an adversary.

(c) WAIVER.—The Chairman may waive the requirement under subsection (a) with respect to an exercise if the Chairman determines that—

(i) the exercise does not require—

(A) a demonstration of electronic warfare capabilities; or

(B) a militarily significant threat from electronic warfare attack or attack;

(ii) joint exercises that are necessary for the training of personnel for realistic operations to conduct in accordance with a briefing on exercises conducted conducted under subsection (a) that includes—

(A) a description of such exercises planned and included in the budget submission for the fiscal year; and

(B) the results of each such exercise conducted in the preceding fiscal year, including—

(A) the extent to which offensive and defensive electronic warfare capabilities were integrated into the exercise;

(B) an evaluation and assessment of the exercise to determine the impact of the adversary on the participants in the exercise, including—

(i) joint lessons learned;

(ii) high interest training issues; and

(iii) high interest training requirements; and

(C) whether offensive and defensive electronic warfare capabilities were integrated into the exercise.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means the following—

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1549. LIMITATION ON USE OF FUNDS UNTIL MISSILE DEFENSE DESIGNATIONS HAVE BEEN MAINTAINED.

Of the funds authorized to be appropriated by this Act for fiscal year 2023 for operation and maintenance, Defense-wide, and available for the Office of the Secretary of Defense, not more than $90 million may be obligated or expended until the date on which the Secretary notifies the congressional defense committees that designations required by section 1684(e) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) have been made.

CONGRESSIONAL RECORD — SENATE S6149
(e) Definitions.—In this section:

(1) Joint Fires.—The term ‘‘Joint fires’’ has the meaning of that term as used in the publication of the Joint Staff entitled, ‘‘In- sight: Focused Focus on Joint Integration and Synchronization of Joint Fires’’, and dated July 2018.

(2) Tier 1; Tier 2.—The term ‘‘Tier 1’’ and ‘‘Tier 2’’, with respect to joint training exercises, have the meanings given those terms in the Joint Training Manual for the Armed Forces of the United States (Document No. CJCSI 3500.02E), dated April 20, 2015.

Section 1552. Responsibilities and Functions Relating to Electromagnetic Spectrum Operations


(1) by striking paragraphs (1) and (2); and

(2) by inserting the following new paragraph (1):

‘‘(1) Report Required.—(A) Not later than March 31, 2023, the Secretary of Defense shall submit to the congressional defense committees a report on the appropriate alignment of electromagnetic spectrum operations responsibilities and functions.

‘‘(B) Considerations.—In developing the report required by subparagraph (A), the Secretary shall consider the following:

‘‘(i) Entities that are in effect, including elements of the Joint Staff, the functional and geographic combatant commands, the offices and agencies of the Department of Defense, and other organizations and the establishment of a new entity for electromagnetic spectrum operations within any of the entities currently in effect.

‘‘(ii) The organizational structure and hybrid structure of electromagnetic spectrum operations organization should have unitary control of the Commander and those that have the greatest positive impact on the ability of the Department’s resilience and ability to execute its operational plans and programs as appropriate.

(3) The Secretary shall consider the following:

(4) The Chairman of the Joint Chiefs of Staff.

(5) The Director of Cost Assessment and Program Evaluation.

(a) Annual Report.—Not later than 30 days after the date on which the President submits to Congress a budget for each of fiscal years 2024 through 2027 pursuant to section 1106(a) of title 31, United States Code, the Under Secretary of Defense for Acquisition and Sustainment and the Director of the White House Military Office shall jointly brief the congressional defense committees on acquisition programs, plans, and other activities supporting the requirements of the White House Military Office.

TITLE XVI—DEFENSE-RELATED MATTERS

Subtitle A—Matters Relating to Cyber Operations and Cyber Forces

SEC. 1601. Annual Assessments and Reports on Assignment of Certain Budget Control Responsibility to Commander of United States Cyber Command

(a) Annual Assessments.—

(1) In General.—In fiscal year 2023 and not less frequently than once each fiscal year thereafter through fiscal year 2026, the Commander of United States Cyber Command, in coordination with the Principal Cyber Advisor of the Department of Defense, shall assess the implementation of responsibilities assigned to the Commander by section 1507(a)(1) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81).

(2) Elements.—Each assessment carried out under paragraph (1) shall include the following:

(A) Assessment of the operational and organizational effect of the transition on the training, equipping, operation, sustainment, and readiness of the Cyber Mission Forces.

(B) Development of a description of the cyber systems, activities, capabilities, resources, and functions that have been transferred from the military departments to control of the Commander and those that have not been transitioned.

(C) Formulation of an opinion by the Commander as to whether the cyber systems, activities, capabilities, resources, and functions that have not been transitioned should be transitioned.

(D) Assessment of the adequacy of resources, policies, and procedures required to implement the transition, including organizational, functional, and personnel matters.

(E) Assessment of reliance on resources, authorities, policies, or personnel external to United States Cyber Command in support of the budget control of the Commander.

(F) Identification of any outstanding areas for transition.

(G) Such other matters as the Commander considers appropriate.

(b) Annual Reports.—For each fiscal year in which an annual assessment is conducted under subsection (a)(1), the Commander shall, not later than 90 days after the end of such fiscal year, submit to the Committees on Armed Services and the Committee on Armed Services of the House of Representatives a report on the findings of the Commander with respect to such assessment.


(a) Alignment Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall align through the Under Secretary of Defense for Policy and in coordination with the Commander of United States Cyber Command, the Director of the Joint Staff, and the commanders of geographic combatant commands, undertake efforts to align the Department of Defense cybersecurity cooperation and Cyber Space operational partnerships with the National Defense Strategy, Department of Defense Cyber Strategy, and the 2019 Department of Defense International Cybersecurity Policy:

(T) Efforts to identify key allied and partner networks, infrastructure, and systems that the Joint Force will rely upon for warfighting and to—

(A) support the cybersecurity and cyber defense of those networks, infrastructure, and systems;

(B) build partner capacity to actively defend those networks, infrastructure, and systems;

(C) eradicate malicious cyber activity that has compromised those networks, infrastructure, and systems, such as when identified through hunt forward operations; and

(D) leverage United States commercial and military cybersecurity technology and services to harden and defend those networks, infrastructure, and systems.

(2) Efforts to collaborate with foreign partners, including through alignment of forward missions and other cyber international strategy activities conducted by the Department, including identification of processes, working groups, and mechanisms to facilitate coordination between geographic combatant commands and United States Cyber Command.

(3) Efforts to deliberately cultivate operational and intelligence-sharing partnerships with key allies and partners to advance the cyberspace operations objectives of the Department.

(4) Efforts to identify key ally and partner networks, infrastructure, and systems that the Joint Force will rely upon for warfighting and to—

(A) support the cybersecurity and cyber defense of those networks, infrastructure, and systems;

(B) build partner capacity to actively defend those networks, infrastructure, and systems;

(C) eradicate malicious cyber activity that has compromised those networks, infrastructure, and systems, such as when identified through hunt forward operations; and

(D) leverage United States commercial and military cybersecurity technology and services to harden and defend those networks, infrastructure, and systems.

(5) Efforts to secure United States mission partner environments and networks used to hate the United States origin intelligence and information.

(6) Prioritization schemas, funding requirements, and efficacy metrics to drive cybersecurity investments, tools, technologies, and capacity-building efforts that will have the greatest positive impact on the ability of the Joint Force to achieve and ability to execute its operational plans and achieve integrated deterrence.

(c) Organization.—The Under Secretary of Defense for Policy shall lead efforts to implement this section. In doing so, the Under Secretary shall consult with the Secretary of State, the National Cyber Director, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of the Federal Bureau of Investigation, to align plans and programs as appropriate.

(D) Initial Briefing

(1) In General.—Not later than 180 days after the date of the enactment of this Act...
and not less frequently than once each fiscal year until September 30, 2023, the Under Secretary of Defense for Policy shall provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives annual briefings on the implementation of this section.

(2) CONTENTS.—The briefing required by paragraph (1) shall include the following:

(A) An overview of efforts undertaken pursuant to this section.

(B) An accounting of all the Department’s security cooperation activities germane to cyberspace and changes made pursuant to implementing this section.

(C) A detailed schedule with target milestones and required expenditures for all planned activities related to the efforts described in subsection (b).

(D) Interim and final metrics for building the cyberspace security cooperation enterprise of the Department.

(E) Identification of such additional funding, authorities, and policies, as the Under Secretary determines may be required.

(F) Such recommendations as the Under Secretary determines, or legislative action to improve the effectiveness of cyberspace security cooperation of the Department with foreign partners and allies.

(g) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act and not less frequently than once each year thereafter until January 1, 2025, the Under Secretary of Defense for Policy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an annual report summarizing the cyber inter-


(a) Plan and Briefing Required.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly—

(1) develop a plan to correct readiness shortfalls in the Cyber Mission Forces;

(2) develop recommendations for such legislative action as the Secretary and the Chairman consider appropriate to correct the readiness shortfalls described in paragraph (1); and

(3) provide the congressional defense committee with a plan developed under paragraph (1) and the recommendation developed under paragraph (2).

(b) Implementation.—Not later than 30 days after the date of the briefing provided under paragraph (3) of subsection (a), the Secretary and the Chairman shall commence implementation of the plan developed under paragraph (1) of such subsection that are not dependent upon legisla-

(c) Matters to Be Addressed.—In develop-


(a) Refining and Expanding Training.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Intelligence and Security Cooperation of the Department of Defense, in coordination with the Commander of United States Cyber Command and the Under Secretary of Defense for Policy, refine and expand current cybersecurity cooperation training at the Joint Military Attache School.

(b) Elements.—The cybersecurity coopera-

sec. 1605. Strategy, force, and capability development for cyber effects and security in support of operational forces.

(a) Strategy Required.—

(1) In General.—The Deputy Secretary of Defense shall, in coordination with the Vice Chairman of the Joint Chiefs of Staff and in consultation with the Director of the National Intelligence, develop a strategy for con-

(2) Access to Information.—In developing the strategy required by paragraph (1), the Deputy Secretary shall ensure that the strategy development is informed by relevant programs, activities, and capabili-

(3) Targets.—The strategy developed under paragraph (1) may specify targets of the strategy that include the range of elec-

SEC. 1604. CYBERSECURITY COOPERATION TRAINING AT JOINT MILITARY ATTACHE SCHOOL.

(a) Refined and Expanded Training.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Intelligence and Security Cooperation shall, in coordination with the Commander of United States Cyber Command and the Under Secretary of Defense for Policy, refine and expand current cybersecurity cooperation training at the Joint Military Attache School.

(b) Elements.—The cybersecurity coopera-

CAPABILITY DEVELOPMENT FOR CYBER EFFECTS AND SECURITY IN SUPPORT OF OPERATIONAL FORCES.

(a) STRATEGY REQUIRED.—

(1) IN GENERAL.—The Deputy Secretary of Defense shall, in coordination with the Joint Chiefs of Staff and in consultation with the Director of National Intelligence, develop a strategy for con-

(2) Means.—The strategy developed under paragraph (1) shall specify means for sup-

(3) Targets.—The strategy developed under paragraph (1) may specify targets of the strategy that include apertures of emitters that are defense-based, airborne, ground-based, and sea-based.

(4) Access to Information.—In developing the strategy required by paragraph (1), the Deputy Secretary shall ensure that the strategy development is informed by relevant programs, activities, and capabili-

(5) REQUIREMENTS FOR SERVICE RETAINED CYBER FORCES.—In parallel and in coordina-

(6) Capabilities Development and Transition Processes.—The Deputy Secretary shall identify, designate, and create organi-

(1) Achieve effects against adversary weapon-

(2) Enhance the cybersecurity of deployed information technology and operational

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TRAINS AT JOINT MILITARY ATTACHE SCHOOL.

(2) Description of roles and responsibilities of United States Cyber Command, the ge-

(3) Targets.—The strategy developed under subsection (a) shall include the following:

(1) An overview of the different purposes of cyberspace engagements with partners and allies of the United States, including bilateral and multilateral cyberspace engage-

(2) Means.—The strategy developed under

(3) Identify and address gaps in strategy development team access to information.

(4) Access to Information.—In developing the strategy required by paragraph (1), the Deputy Secretary shall ensure that the strategy development is informed by relevant programs, activities, and capabili-

SEC. 1603. CORRECTING CYBER MISSION FORCE READINESS SHORTFALLS.

(a) Plan and Briefing Required.—Not later than 180 days after the date of the en-

(2) to develop the intelligence require-

(3) Description of roles and responsibilities of United States Cyber Command, the geo-

(4) Subject to the approval of the Deputy Secretary, the Under Secretary of Defense for Policy, and the Chairman of the Joint Chiefs of Staff, the Cyber Mission Forces for key work roles.

(7) Increasing personnel commitments follow-

(6) Modifying or creating new training models.

(5) Maximizing use of compensation and incent-

(1) Achieve effects against adversary weapon-

(2) Enhance the cybersecurity of deployed information technology and operational
SEC. 1606. TOTAL FORCE GENERATION FOR THE CYBERSPACE OPERATIONS FORCES.

(a) STUDY.—

(1) IN GENERAL.—Not later than January 1, 2023, the Secretary of Defense shall conduct a study on the responsibilities of the military services for organizing, training, and presenting the total force to United States Cyber Command.

(2) ELEMENTS.—The study required by paragraph (1) shall assess the following:

(A) Which military services should organize, train, and equip civilian assets and military Cybersecurity Operations Forces for assignment, allocation, and apportionment to United States Cyber Command.

(B) Sufficiency of the military service access and training model to provide forces to the Cybersecurity Operations Forces, as well as the accessions and personnel resourcing of the supporting command and control staffs necessary as a component to United States Cyber Command.

(C) The organization of the Cybersecurity Operations Forces and whether the total forces or elements of the forces function best as collective service units or through a different model.

(D) Under-represented work roles or skills within the Cybersecurity Operations Forces, including additional work roles or skills required to enable infrastructure management and access generation.

(E) What unique or training-intensive expertise is required for each of these work roles and whether native talents to master unique and training-intensive work roles can be identified and how personnel with those talents can be developed, retained, and employed across the active and reserve components.

(F) The appropriate pay scales, rotation or force structure, career paths, promotion, and training, expertise, talent management practices, and training for each of those work roles, given expected operations for the Cybersecurity Operations Forces.

(G) Whether a single military service should be responsible for basic, intermediate, and advanced training for the Cybersecurity Operations Forces, or at a minimum for the Cyber Mission Force.

(H) The level of training required before an individual should be assigned, allocated, or apportioned to United States Cyber Command.

(I) Whether or how the duties of the Director of the National Security Agency and the duties of the United States Cyber Command, resting with a single individual, enable each respective organization, and whether technical directors and intelligence expertise in the Cybersecurity Operations Forces should serve rotations in the Cybersecurity Operations Forces.

(J) How nonmilitary personnel, such as civilian officials, career path experts, commercial partners, and domain or technology-specific experts in industry or the intelligence community can augment or support Cybersecurity Operations Forces.

(K) What work roles in the Cybersecurity Operations Forces can only be filled by military personnel, which work roles can be filled by DoD civilian, federal, or nonfederal forces, and which work roles should be filled partially or fully by civilians due to the need for longevity of service to achieve required skills levels or retention rates.

(L) How specialized cyber experience, developed and maintained in the reserve components, can be leveraged, and how to support the Cybersecurity Operations Forces through innovative force generation models.

(M) Whether the Department of Defense should create a separate service to organize, train, and equip the Cybersecurity Operations Forces or at a minimum the Cyber Mission Force.

(N) What resources, including billets, are required to account for any recommended changes.

(b) RECOMMENDATION.—

(1) IN GENERAL.—Not later than June 1, 2024, the Secretary of Defense shall establish a new or revised total force generation model for the Cybersecurity Operations Forces.

(2) MATTERS ADDRESSED.—The recommendation or recommendations submitted under paragraph (1) shall address, at a minimum, each of the elements identified in subsection (a)(2).

(c) ESTABLISHMENT OF A NEW OR REVISED MODEL REQUIRED.—

(1) IN GENERAL.—Not later than December 31, 2024, the Secretary of Defense shall establish a new or revised total force generation model for the Cybersecurity Operations Forces.

(2) RECOMMENDATIONS.—In establishing a new total force generation model or revising a total force generation model under paragraph (1), the Secretary shall explicitly determine the following:

(A) Whether the Navy should no longer be responsible for developing and presenting forces to the United States Cyber Command as part of the Cybersecurity Operations Forces, including Cybersecurity Operations Forces, Cyber Mission Force or Cybersecurity Operations Forces, including recommendations for corresponding transfer of responsibilities and associated resources and personnel to other military services.

(B) Whether a single military service should be responsible for organizing, training, and employing the Cybersecurity Operations Forces, or if different services should be responsible for different components of the Cybersecurity Operations Forces.

(C) Whether the Cybersecurity Operations Forces should be responsible for organizing, training, and employing the Cybersecurity Operations Forces, or if different services should be responsible for different components of the Cybersecurity Operations Forces.

(D) Implications of low service retention rates for critical roles within the Cybersecurity Operations Forces, to include (i) covering gaps in Cyber Mission Force rotations, length of service commitments, repeat tours within the Cyber Mission Force, retention incentives across the entire Cybersecurity Operations Forces, and best practices for generating the future force.

(e) PROGRESS BRIEFING.—Not later than 90 days after the date of the enactment of this Act and not less frequently than once every 2 years thereafter until receipt of the plan required by subsection (d), the Secretary shall brief the congressional defense committees on the progress made in carrying out this section.

(2) ADDITIONAL CONSIDERATIONS.—The Secretary shall ensure that subsections (a) through (c) are carried out with consideration to matters relating to the following:

(i) The cybersecurity service providers, local defenders, and information technology personnel who own, operate, and defend the information networks of the Department of Defense.

(ii) Providing intelligence support to the Cybersecurity Operations Forces.

(iii) The resources, including billets, needed to account for any recommended changes.

SEC. 1607. MANAGEMENT AND OVERSIGHT OF JOINT CYBER WARFIGHTING ARCHITECTURE.

(a) ESTABLISHMENT OF PROGRAM EXECUTIVE OFFICE.—The Deputy Secretary of Defense shall, in consultation with the Under Secretary of Defense for Acquisition and Sustainment and the Commander of United States Cyber Command, establish a program executive office (in this section referred to as the “Office”) to manage and provide oversight of the implementation and integration of the Joint Cyber Warfighting Architecture and (i) the cybersecurity service providers, local defenders, and information technology personnel who own, operate, and defend the information networks of the Department of Defense.

(b) INDEPENDENCE OF OFFICE.—

(1) IN GENERAL.—The Deputy Secretary shall establish the Office outside of a military service.

(2) HEAD OF OFFICE.—The Deputy Secretary shall appoint the head of the Office and the head of the Office shall report to the Under Secretary and the Commander.

(c) CHIEF ARCHITECT AND SYSTEMS ENGINEER.—The Deputy Secretary shall ensure that the Office includes a chief architect and a systems engineer to provide the management and oversight described in subsection (a).

(d) APPOINTMENT OF EXPERTS.—The Deputy Secretary shall appoint to the Office personnel from organizations with relevant and high levels of technical and operational expertise, including the following:

(i) The Chief Information Directorate of the National Security Agency.


(iii) The Strategic Capabilities Office.

(iv) The Cyber Capabilities Support Office.

(v) The Air Force Research Laboratory.

(vi) The Office of Special Projects in the Navy.

(vii) The operational units of the Cyber National Mission Force and cyber components of the military services.

(e) BUDGET EXECUTION CONTROL.—The head of the Office shall exercise budget execution control of...
control over component programs of the Architecture that are subject to the responsibilities assigned to the Commander by section 1507 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 167b note).

(f) COMPLIANCE WITH DIRECTION.—The program managers of the components of the Architecture shall comply with direction from the head of the Office, without intermediary communications from the Commander or the Under Secretary to the senior acquisition executive on the space military service.

(g) COORDINATION.—The Director of the Defense Advanced Research Projects Agency shall coordinate closely with the head of the Office, implementing the Constellation program via transactions under section 3021 of title 10, United States Code, between the Agency and the companies executing the components of the Architecture to create an effective framework and pipeline system for transitioning cyber applications for operational use from the Agency and other sources.

(h) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the head of the Office shall provide the congressional defense committees a briefing on the status of the implementation of this section.

(ii) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Deputy Secretary of Defense shall enter into an agreement with an appropriate third-party to perform the services covered by this subsection.

(ii) INDEPENDENT REVIEW AND BRIEFING.—(A) Under an agreement between the Deputy Secretary and an appropriate third-party, the appropriate third-party shall—

(i) conduct a study to determine the optimal strategy for structuring and manning elements of the following:

(A) Joint Force Headquarters Cyber Organizations.

(B) Joint Mission Operations Centers.


(D) Joint Cyber Centers.

(ii) The findings of the Principal Cyber Advisor to the Secretary of Defense shall provide the congressional defense committees a briefing on the findings of the study conducted under subsection (a).

(iii) An assessment of the operational effects assessed under subsection (a) shall include an annual assessment of the following:

(A) The recruiting, retention, professional military education, and special and incentive pays of certain cyber operations forces.

(b) ELEMENTS.—Each briefing provided under subsection (a) shall include an annual assessment of the following:

(A) The resources, authorities, activities, missions, facilities, and personnel used to conduct the relevant missions at the National Security Agency as well as the cyber offense and defense missions of United States Cyber Command.

(C) The processes used to manage risk, balance tradeoffs, and work with partners to execute operations.

(E) Clarification of the relationship and differentiation between Cyber Operations–Integrated Planning Elements and Joint Cyber Centers of the military departments.

(F) A description of mission essential tasks for the entities listed in subparagraph (A) through (D) of paragraph (1) that are transferred to United States Cyber Command and designated as joint billets for joint qualification purposes.

(G) An assessment of the operational effects resulting from the relationship between the National Security Agency and United States Cyber Command, including a list of specific operations conducted over the previous year that were enabled by or benefitted from the relationship.

(h) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide the Secretaries of the military departments and the Commander of United States Cyber Command to complete a review of, and appropriately update, departmental guidance and processes consistent with section 167(e)(2)(J) of title 10, United States Code, with respect to the authority of the Secretary of Defense to monitor the promotions of certain cyber operations forces and coordinate with the Secretaries regarding the assignment, retention, training, professional military education, and special and incentive pays of certain cyber operations forces.

(i) ELEMENTS OF REVIEW.—The review and updates required under subsection (a) shall address the respective roles of the military departments and United States Cyber Command with respect to the following:

(1) The recruiting, retention, professional military education, and promotion of certain cyber operations personnel.

(2) The sharing of personnel data between the military departments and United States Cyber Command.

(3) Structures, departmental guidance, and processes developed between the military departments and United States Special Operations Command with respect to the authority of the Commander of United States Special Operations Command described in section 167(e)(2)(J) of title 10, United States Code, that could be used as a model for United States Cyber Command.

(4) Such other matters as the Secretaries of the military departments and the Commander of United States Cyber Command determine necessary.

(i) REPORT REQUIRED.—Not later than 90 days after the date on which the requirements under subsection (a) are completed, the Secretaries of the military departments and the Commander of United States Cyber Command shall submit to the congressional defense committees a report on the findings of the Secretary of Defense and the Commander of United States Cyber Command with respect to the review and the updates made pursuant to such subsection.

(j) SUCH OTHER MATTERS AS THE SECRETARY OF DEFENSE DETERMINES NECESSARY.—Such other matters as the Secretary of Defense determines necessary.

SEC. 1106. ANNUAL BRIEFING ON RELATIONSHIP BETWEEN THE NATIONAL SECURITY AGENCY AND UNITED STATES CYBER COMMAND.

(a) ANNUAL BRIEFINGS REQUIRED.—Not later than March 1, 2023, and not less frequently than once each year thereafter until March 1, 2028, the Secretary of Defense shall provide the congressional defense committees a briefing on the relationship between the National Security Agency and United States Cyber Command.

(b) ELEMENTS.—Each briefing provided under subsection (a) shall include an annual assessment of the following:

(1) The resources, authorities, activities, missions, facilities, and personnel used to conduct the relevant missions at the National Security Agency as well as the cyber offense and defense missions of United States Cyber Command.

(2) The processes used to manage risk, balance tradeoffs, and work with partners to execute operations.
SEC. 1611. MILITARY CYBERSECURITY COOPERATION WITH KINGDOM OF JORDAN.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall, acting through the Under Secretary of Defense for Policy, in coordination with the Commander of United States Central Command, the Secretary of State, and the Ministry of Defense of the Kingdom of Jordan for the purpose of expanding cooperation of military cybersecurity activities.

(b) Cooperation Efforts.—The efforts to expand cooperation required by subsection (a) may include the following efforts between the Department of Defense and the Ministry of Defence of the Kingdom of Jordan:

(1) Joint cybersecurity training activities and exercises.

(2) Efforts to—
   (A) actively defend military networks, infrastructure, and systems;
   (B) eradicate malicious cyber activity that has compromised those networks, infrastructure, and systems; and
   (C) leverage United States commercial and military cybersecurity technology and services to harden and defend those networks, infrastructure, and systems.

(3) Establishment of a regional cybersecurity center.

(c) Briefings.—
   (1) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, seek to engage their counterparts within the Ministry of Defense of the Kingdom of Jordan for the purpose of expanding cooperation of military cybersecurity activities.

   (2) Cooperation Efforts.—The briefing required by subsection (a) shall include—
      (1) a description of the military requirements of the Department of Defense for rapid sharing of military cyber capabilities with foreign partners of the United States in relevant operational timeframes;
      (2) a description of the understanding by the Secretary of Defense and the Secretary of State of the current legal framework governing the sharing of military cyber capabilities with the foreign partners of the United States for operational use by the foreign partner, including prohibitions or restrictions on sharing such military cyber capabilities with foreign partners in relevant operational timeframes, including under—
         (A) the War Powers Resolution (50 U.S.C. 1541 et seq.);
         (B) an alliance or treaty with a foreign country or countries; and
         (C) export control laws or security assistance programs;
    (3) recommendations for legislative action that the Secretary of Defense and the Secretary of State shall agree necessary of Secretary of State and the Secretary of Defense to address gaps or misalignment in authorities that would enhance the sharing of military cyber capabilities of the Department with foreign operational partners of the United States;

   (d) Report Required.—Not later than April 1, 2023, the Secretary of Defense, with the concurrence of the Secretary of State, shall provide the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on the assessment conducted under subsection (a).

SEC. 1612. COMMANDER OF THE UNITED STATES CYBER COMMAND.

The act "COMMANDER OF THE UNITED STATES CYBER COMMAND.—" is amended—

(a) Display Required.—Beginning with fiscal year 2024, and for each fiscal year thereafter, the Secretary of Defense shall include with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for that fiscal year, a submission from the President under section 1105(a) of title 31, United States Code (a consolidated cryptographic modernization budget justification for each Department of Defense system or asset that is protected by cryptography and subject to certification by the National Security Agency (in this section, referred to as "covered items"))

(b) Elements.—Each display included under subsection (a) for a fiscal year shall include the following:

(1) Cryptographic modernization activities.—(A) Whether, in accordance with the schedule established under section 153(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 142 note), the cryptographic modernization for each covered item is pending, in progress, complete, or pursuant to paragraph (2) of such section, extended.

   (B) The funding required for the covered fiscal year and for each fiscal year of the Future Years Defense Program to complete the pending or in progress cryptographic modernization by the required replacement date of each covered item;

   (C) A description of deviations between the funding annually required to complete the modernization prior to the required replacement date and the funding requested and planned within the Future Years Defense Program.

   (vi) An explanation—
      (I) justifying the deviations; and
      (II) of whether or how any delays resulting from a deviation shall be overcome to meet the required replacement date.

   (D) A description of any material or security risks resulting from each deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

   (E) For any covered item that remains in service past its required replacement date, a description of the replacement date and the funding requested and planned within the Future Years Defense Program.

   (ii) the concurrence of the Secretary of State, shall conduct an assessment on sharing military cyber activities or operations pursuant to section 394 of title 10, United States Code, in foreign cyberspace to deter, safeguard, or defend against such attacks.

SEC. 1621. BUDGET DISPLAY FOR CRYPTOGRAPHIC MODERNIZATION ACTIVITIES FOR CERTAIN SYSTEMS OF THE DEPARTMENT OF DEFENSE.

(a) Display Required.—Beginning with fiscal year 2024, and for each fiscal year thereafter, the Secretary of Defense shall include with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for that fiscal year, a submission from the President under section 1105(a) of title 31, United States Code (a consolidated cryptographic modernization budget justification for each Department of Defense system or asset that is protected by cryptography and subject to certification by the National Security Agency (in this section, referred to as "covered items"))

(b) Elements.—Each display included under subsection (a) for a fiscal year shall include the following:

(1) Cryptographic modernization activities.—(A) Whether, in accordance with the schedule established under section 153(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 142 note), the cryptographic modernization for each covered item is pending, in progress, complete, or pursuant to paragraph (2) of such section, extended.

   (B) The funding required for the covered fiscal year and for each fiscal year of the Future Years Defense Program to complete the pending or in progress cryptographic modernization by the required replacement date of each covered item;

   (C) A description of deviations between the funding annually required to complete the modernization prior to the required replacement date and the funding requested and planned within the Future Years Defense Program.

   (i) an explanation—
      (I) justifying the deviations; and
      (II) of whether or how any delays resulting from a deviation shall be overcome to meet the required replacement date.

   (D) A description of any material or security risks resulting from each deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.

   (E) For any covered item that remains in service past its required replacement date, a description of the replacement date and the funding requested and planned within the Future Years Defense Program.
SEC. 1622. ESTABLISHING PROJECTS FOR DATA MANAGEMENT, ARTIFICIAL INTELLIGENCE, AND DIGITAL SOLUTIONS.

(a) ESTABLISHMENT OF PRIORITY PROJECTS.—The Deputy Secretary of Defense shall—

(1) establish priority enterprise projects for data management, artificial intelligence, and digital solutions for both business efficiency and warfighting capabilities intended to accelerate decision advantage; and

(2) assign responsibilities for execution and funding of the projects established under paragraph (1).

(b) ACTIONS REQUIRED.—To ensure implementation of the priority projects of the Deputy Secretary of Defense under subsection (a), and to instill science and technology discipline within the Department of Defense, the Deputy Secretary shall—

(1) hold the heads of Department components accountable for—

(A) making their component’s data available for use in common enterprise data sets in accordance with plans developed and approved by the head of the component and the Deputy Secretary;

(B) developing, implementing, and reporting measurable actions to acquire, preserve, and grow the population of government and contractor personnel with expertise in data management, artificial intelligence, and digital solutions; and

(C) developing and implementing cybersecurity solutions, including red team assessments, that will be required for all future contracts with cloud service providers to include provision for testing, independent, threat-realistic assessments, with cloud service providers including penetration testing, of the commercial cloud infrastructure, including the control plane and virtualization hypervisor. The Department intends to proceed on amending existing contracts with cloud service providers to permit the same level of rigorous assessments that permit the Department to conduct independent, threat-realistic assessments, including penetration testing, of the commercial cloud infrastructure that may be needed to ensure the effectiveness, suitability, and cyber survivability of the commercial cybersecurity capability.

(2) POLICIES AND REGULATIONS.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once every six months thereafter until December 31, 2025, the Deputy Secretary shall provide to the congressional defense committees a biennial report on the Deputy Secretary’s continued efforts to implement the requirements of this section and the status of implementation action.

(3) The extent to which additional resources may be needed to remediate any shortfalls in capability to make the commercial cybersecurity capability effective, suitable, and cyber survivable in the operational environment of the Department.

(4) Identification of training requirements, and changes to training, sustained practices, and concepts of operation or employment decisions that may be needed to ensure the effectiveness, suitability, and cyber survivability of the commercial cybersecurity capability.

(b) Waiver Authority.—The policy and procedures described in subsection (b) conditioned upon the approval of the Chief Information Officer of the Department of Defense and the Director of Operational Test and Evaluation, required by section 139(b) of title 10, United States Code, the status of the determinations required by subsection (a), including the following:

(1) The number and type of test and evaluation events completed in the past year for such assessments, disaggregated by component of the Department, and including resources devoted to each event.

(2) The results from such test and evaluation events, including any resource shortfalls affecting the number of commercial cybersecurity capabilities that could be assessed.

(3) A summary of such determinations and the associated assessments under subsection (b).

(c) Waiver.—The policy and procedures described in subsection (b), conditioned upon the approval of the Director of Operational Test and Evaluation.

SEC. 1623. ESTABLISHING PROJECTS FOR DATA MANAGEMENT, ARTIFICIAL INTELLIGENCE, AND DIGITAL SOLUTIONS.

(a) ESTABLISHMENT OF PRIORITY PROJECTS.—The Deputy Secretary of Defense shall—

(1) establish priority enterprise projects for data management, artificial intelligence, and digital solutions for both business efficiency and warfighting capabilities intended to accelerate decision advantage; and

(2) assign responsibilities for execution and funding of the projects established under paragraph (1).

(b) ACTIONS REQUIRED.—To ensure implementation of the priority projects of the Deputy Secretary of Defense under subsection (a), and to instill science and technology discipline within the Department of Defense, the Deputy Secretary shall—

(1) hold the heads of Department components accountable for—

(A) making their component’s data available for use in common enterprise data sets in accordance with plans developed and approved by the head of the component and the Deputy Secretary;

(B) developing, implementing, and reporting measurable actions to acquire, preserve, and grow the population of government and contractor personnel with expertise in data management, artificial intelligence, and digital solutions; and

(C) developing and implementing cybersecurity solutions, including red team assessments, that will be required for all future contracts with cloud service providers to include provision for testing, independent, threat-realistic assessments, with cloud service providers including penetration testing, of the commercial cloud infrastructure, including the control plane and virtualization hypervisor. The Department intends to proceed on amending existing contracts with cloud service providers to permit the same level of rigorous assessments that permit the Department to conduct independent, threat-realistic assessments, including penetration testing, of the commercial cloud infrastructure that may be needed to ensure the effectiveness, suitability, and cyber survivability of the commercial cybersecurity capability.

(2) POLICIES AND REGULATIONS.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once every six months thereafter until December 31, 2025, the Deputy Secretary shall provide to the congressional defense committees a biennial report on the Deputy Secretary’s continued efforts to implement the requirements of this section and the status of implementation action.

(3) The extent to which additional resources may be needed to remediate any shortfalls in capability to make the commercial cybersecurity capability effective, suitable, and cyber survivable in the operational environment of the Department.

(4) Identification of training requirements, and changes to training, sustained practices, and concepts of operation or employment decisions that may be needed to ensure the effectiveness, suitability, and cyber survivability of the commercial cybersecurity capability.

(4) Waivers Authority.—The policy and procedures described in subsection (b), conditioned upon the approval of the Chief Information Officer of the Department of Defense and the Director of Operational Test and Evaluation,

SEC. 1624. PLAN FOR COMMERCIAL CLOUD TEST AND EVALUATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with commercial industry, shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a policy and plan for test and evaluation of the cybersecurity of the clouds of commercial cloud service providers.

(b) CONTENTS.—The policy and plan submitted under subsection (a) shall include the following:

(1) A requirement that all future contracts with cloud service providers include provisions that permit the Department to conduct independent, threat-realistic assessments, including penetration testing, of the commercial cloud infrastructure that may be needed to ensure the effectiveness, suitability, and cyber survivability of the clouds of commercial cloud service providers.

(2) An explanation as to how the Department intends to proceed on amending existing contracts with cloud service providers to permit the same level of rigorous assessments that will be required for all future contracts with cloud service providers.

(3) Identification and description of any proposed tiered test and evaluation requirements aligned with different impact and classification levels.

(4) Waivers Authority.—The policy and plan required under subsection (a) may provide an authority to waive any requirements described in subsection (b) conditioned upon the approval of the Chief Information Officer of the Department of Defense and the Director of Operational Test and Evaluation.

year for required mitigation activities to complete any planned, pending, or in progress mitigation activities for a covered item.

(C) A description of the activities planned in the covered fiscal year and each subsequent fiscal year to complete mitigation activities and an explanation of the efficacy of the mitigation activities.

(c) FORM.—The display required by subsection (a) shall be in an unclassified form, but may include a classified annex.

SEC. 1622. OPERATIONAL TESTING FOR COMMERCIAL CYBERSECURITY CAPABILITY.

(a) REQUIREMENT.—Subject to subsection (c), the Secretary of Defense may not operate a commercial cybersecurity capability on a network of the Department of Defense until such capability has received a satisfactory determination from the Director of Operational Test and Evaluation in each of the following areas:

(1) Operational effectiveness.

(2) Operational suitability.

(3) Cyber survivability.

(b) ASSESSMENTS.—In determining whether a commercial cybersecurity capability is satisfactory in each of the areas set forth under subsection (a), the Director of Operational Test and Evaluation shall conduct an assessment that includes consideration of the following:

(1) Threat-realistic operational testing, including representative environments, variation of operational conditions, and inclusion of a realistic opposing force.

(2) The use of Department of Defense Cyber Red Teams, as any enabling contract language required to permit threat-representative Red Team assessments.

(3) Collaboration with the personnel using the commercial cybersecurity capability regarding the results of the testing to improve operators’ ability to recognize and defend against cyberattacks.

(4) The extent to which additional resources may be needed to remediate any shortfalls in capability to make the commercial cybersecurity capability effective, suitable, and cyber survivable in the operational environment of the Department.

(5) Identification of training requirements, and changes to training, sustained practices, and concepts of operation or employment decisions that may be needed to ensure the effectiveness, suitability, and cyber survivability of the commercial cybersecurity capability.

(c) WAIVER.—

(1) IN GENERAL.—An acquisition executive of a military service or a component of the Department may waive the requirement in subsection (a) for a commercial cybersecurity capability for the military service or component of the acquisition executive if the acquisition executive determines that operational need or readiness requirements do not allow for time to conduct an assessment under subsection (b) in a timeframe to meet the needs of the military service or component.

(2) PERIODIC WAIVER.—A waiver under paragraph (1) may be issued for a period of up to three years before a new waiver is required, or a waiver is otherwise no longer required.

(d) POLICIES AND REGULATIONS.—Not later than February 1, 2024, the Secretary shall issue such policies and guidance and promulgate such regulations as the Secretary considers necessary to carry out this section.

(e) REPORT.—Not later than January 31, 2026, and not later than each January 31 of each year thereafter until January 31, 2030, the Director shall include in each annual report required by section 139(b) of title 10, United States Code, the status of the determinations required by subsection (a), including the following:

(1) A summary of such determinations and the associated assessments under subsection (b).

(2) The number and type of test and evaluation events completed in the past year for such assessments, disaggregated by component of the Department, and including resources devoted to each event.

(3) The results from such test and evaluation events, including any resource shortfalls affecting the number of commercial cybersecurity capabilities that could be assessed.

(4) A summary of identified categories of common gaps and shortfalls found during testing.

(5) The extent to which entities responsible for developing and testing commercial cybersecurity capabilities have responded to recommendations made by the Director in an effort to gain favorable determinations.

(6) Any identified lessons learned that would impact training, sustainment, or concepts of operation or employment decisions relating to the assessed commercial cybersecurity capabilities.

(f) DEFINITION.—In this section, the term “commercial cybersecurity capabilities” means—

(1) commercial products (as defined in section 103 of title 41, United States Code) acquired and deployed by the Department of Defense to satisfy the cybersecurity requirements of one or more Department components; or

(2) commercially available off-the-shelf technologies (as defined in section 103 of title 41, United States Code) acquired and deployed by the Department of Defense to satisfy the cybersecurity requirements of one or more Department components.

(g) EFFECTIVE DATE.—This section shall take effect on February 1, 2024.
SEC. 1625. REPORT ON RECOMMENDATIONS FROM NAVY CIVILIAN CAREER PATH STUDY.

(a) Report Required.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the recommendations made in the report submitted to the congressional defense committees under section 1653(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; relating to improving cyber career paths in the Navy).

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

(A) A description of each recommendation described in such subsection that has already been implemented.

(B) A description of each recommendation described in such subsection that the Secretary has commenced implementing, including a justification for determining to commence implementing the recommendation.

(C) A description of each recommendation described in such subsection that the Secretary has not implemented or commenced implementing and a determination as to whether or not to implement the recommendation.

(D) For each recommendation under subparagraph (C) that the Secretary determines to implement, the following:

(i) A timeline for implementation.

(ii) A description of any additional resources or authorities required for implementation.

(iii) The plan for implementation.

(E) For each recommendation under subparagraph (C) that the Secretary determines not to implement, a justification for the determination not to implement.

(b) Review by Comptroller General of the United States.—

(1) REVIEW.—Not later than 180 days after the date of the submission of the report required by subsection (a)(1), the Comptroller General of the United States shall conduct a review of such report.

(2) BRIEFING.—Not later than 180 days after the date of the submission of the report required by paragraph (1), the Comptroller General shall provide to the congressional defense committees a briefing on the findings described in subsection (a)(1).

(3) FUNCTION.—The functions of the center established under paragraph (1) are as follows:

(A) The extent to which the Navy has implemented recommendations made in the report submitted under paragraph (1).

(B) Additional recommended actions for the Navy to take to improve the readiness and retention of their cyber workforce.

(C) INTERIM BRIEFING.—Not later than 90 days after the date of the submittal of the report required by subsection (a)(1), the Comptroller General shall provide to the congressional defense committees a briefing on the preliminary findings of the Comptroller General with respect to the review conducted under paragraph (1).

(D) FINAL REPORT.—The Comptroller General shall submit to the congressional defense committees a report on the findings of the Comptroller General with respect to the review conducted under paragraph (1) at such time and in such format as is mutually agreed upon by the committees and the Comptroller General at the time of the briefing under paragraph (3).

SEC. 1626. REVIEW OF DEPARTMENT OF DEFENSE IMPLEMENTATION OF SCIENCE BOARD CYBER REPORT.

(a) Review Required.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall complete a review of the findings and recommendations presented in the June 2018 Defense Science Board report entitled “Cyber as a Strategic Capability”.

(2) ELEMENTS.—The review completed under paragraph (1) shall include the following:

(A) Identification of, and description of implementation for, recommendations that have been implemented by the Department of Defense.

(B) Identification of recommendations that have not yet been fully implemented by the Department.

(C) Development of a plan to fully implement the recommendations identified under subparagraph (B).

(D) Identification of the reasons why the recommendations identified under subparagraph (B) were not implemented.

(2) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary shall provide the congressional defense committees a briefing on the findings of the Secretary with respect to the solicitation for information under paragraph (1).

(b) DEFINITION OF SOFTWARE BILL OF MATERIALS.—In this section, the term “software bill of materials” means a complete, formatted structured list of components, libraries, and modules that are required to build, compile, and link a given piece of software and an identification of the provenance and supply chain relationships.

SEC. 1627. REQUIREMENT FOR SOFTWARE BILL OF MATERIALS.

(a) REQUIREMENT FOR SOFTWARE BILL OF MATERIALS.—

(1) IN GENERAL.—The Secretary of Defense shall amend the Department of Defense Supplement to the Federal Acquisition Regulation to require a software bill of materials (SBOM) for all noncommercial software created for or acquired by the Department of Defense.

(2) WAIVERS.—The amendment required by paragraph (1) may provide for waivers that require approval by an official whose appointment is subject to confirmation by the Senate.

(b) RECOMMENDATIONS TO THE SECRETARY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue a request for information from the public and private sectors regarding technical and procedural options to identify software components in the Department to enable risk assessments and patching of security vulnerabilities when such vulnerabilities are discovered in the absence of reliable bill of materials.

(2) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary shall provide the congressional defense committees a briefing on the findings of the Secretary with respect to the solicitation for information under paragraph (1).

(c) STUDY REGARDING APPLICATION TO SOFTWARE ALREADY ACQUIRED.—

(1) STUDY REQUIRED.—The Secretary shall conduct a study of the feasibility and advisability of acquiring a software bill of materials for software already acquired by the Department.

(2) BRIEFING.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall provide the congressional defense committees a briefing on the findings of the Secretary with respect to the study conducted under paragraph (1) and such recommendations as the Secretary may have with respect to acquiring a software bill of materials for software already acquired by the Department.

(d) COMMERCIAL SOFTWARE.—Not later than one year after the date of the enactment of this Act, the Secretary shall, in consultation with industry, develop an approach for commercial software in use by the Department to provide a software bill of materials for software that provides, to the maximum extent practicable, policies and processes for operationalizing software bills of materials to enable the Department to understand promptly the cybersecurity risks to Department capabilities posed by discoveries of vulnerabilities and countermeasures in commercial and open source software.

(e) SOLICITATION OF INFORMATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue a request for information from the public and private sectors regarding technical and procedural options to identify software components in the Department to enable risk assessments and patching of security vulnerabilities when such vulnerabilities are discovered in the absence of reliable bill of materials.

(2) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary shall provide the congressional defense committees a briefing on the findings of the Secretary with respect to the solicitation for information under paragraph (1).

SEC. 1628. ESTABLISHMENT OF SUPPORT CENTER FOR CONSORTIUM OF UNIVERSITIES THAT ADVISES DEPARTMENT OF DEFENSE ON CYBERSECURITY MATTERS.

Section 1659 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 931 note) is amended by adding at the end the following new subsection:

“(I) SUPPORT CENTER.—

“(1) ESTABLISHMENT.—The Secretary shall establish a center to provide support to the consortium established under subsection (a).

“(2) COMPOSITION.—(A) The center established under paragraph (1) shall be composed of one or two universities, as the Secretary considers appropriate, that—

“(I) have been designated as centers of academic excellence by the Director of the National Security Agency or the Secretary of Homeland Security; and

“(II) are eligible for access to classified information.

“(B) The Secretary shall publish in the Federal Register the process for selection of universities to serve on the center established under paragraph (1).

“(3) FUNCTIONS.—The functions of the center established under paragraph (1) are as follows:

“(A) To promote the consortium established under subsection (a).

“(B) To distribute on behalf of the Department requests for information or assistance to members of the consortium.

“(C) To collect and assemble responses from requests distributed under subparagraph (B).

“(D) To provide additional administrative support for the consortium, as determined by the National Center of Academic Excellence in Cybersecurity Program Management Office.”.

SEC. 1629. ROADMAP AND IMPLEMENTATION PLAN FOR CYBERSECURITY AND ARTIFICIAL INTELLIGENCE.

(a) Roadmap and Implementation Plan Required.—Not later than 270 days after the date of the enactment of this Act, the Commander of United States Cyber Command and the Chief Information Officer of the Department of Defense, in coordination with the Deputy CIO for Digital and Artificial Intelligence Officer of the Department, the Director of the Defense Advanced Research Projects
Agency, the Director of the National Security Agency, and the Under Secretary of Defense for Research and Engineering, shall jointly develop a five-year roadmap and implementation plan for rapidly adopting and acquiring artificial intelligence systems, applications, and supporting data and data management processes for the Cyberspace Operations Forces of the Department of Defense.

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

(1) Identification and prioritization of artificial intelligence systems, applications, data, and processing identified in paragraph (1).

(2) A plan to develop, acquire, adopt, and sustain artificial intelligence systems, applications, data, and processing identified in paragraph (1).

(3) Roles and responsibilities for the following: adopting and acquiring artificial intelligence systems, applications, and data to cyber missions within the Department:

(A) The Director of United States Cyber Command.

(B) The Commander of Joint-Force Headquarters Department of Defense Information Networks.

(C) The Chief Information Officer of the Department.

(D) The Chief Digital and Artificial Intelligence Office.

(E) The Under Secretary of Defense for Research and Engineering.

(F) The Secretaries of the military departments.

(G) The Director of the National Security Agency.

(4) Identification of currently deployed, adopted, acquired artificial intelligence systems, applications, ongoing prototypes, and data.

(5) Identification of current capability and skill gaps that must be addressed prior to the development and adoption of artificial intelligence applications identified in paragraph (1).

(6) Identification of opportunities to solicit operator utility feedback through inclusion into research and development processes and wargaming or experimentation events by developing a roadmap for such processes and events, as well as a formalized process for capturing and tracking lessons learned from such events to inform the development community.

(7) Identification of long-term technology gaps for fulfilling the Department's cyber warfare mission to be addressed by research and development relevant commercial and national technology enterprises within the Department.

(8) Definition of a maturity model describing data and capabilities, diagnostic of the enabling technology solutions, including phases in the maturity model or identified milestones and clearly identified areas for collaboration with relevant commercial and government off the shelf developers to address requirements supporting capability gaps.

(9)Risk assessment, in partnership with the Director of the Defense Intelligence Agency, of the threat posed by adversaries' use of artificial intelligence to the cyberspace operations and the security of the networks and artificial intelligence systems of the Department in the next five years, including a national technical means of United States and adversary activities to apply artificial intelligence to cyberspace operations, and actions planned to address that threat.

(10) A detailed schedule with target milestones, investments, and required expenditures.

(11) Interim and final metrics of adoption of artificial intelligence for each activity identified in the roadmap.

(12) Identification of such additional funding, authorities, and policies as the Commander and the Chief Information Officer jointly determine may be required.

(13) Such other topics as the Commander and the Chief Information Officer jointly consider appropriate.

(c) BRIEFING.—Not later than 30 days after the date on which the Commander and the Chief Information Officer complete development of the roadmap and implementation plan required in subsection (a), the Commander and the Chief Information Officer shall provide the congressional defense committees with a briefing on the roadmap and implementation plan.

SEC. 1630. DEMONSTRATION PROGRAM FOR CYBERSECURITY TECHNOLOGY BUDGET DATA ANALYTICS.

(a) DEMONSTRATION PROGRAM REQUIRED.—

(1) IN GENERAL.—Not later than February 1, 2024, the Chief Information Officer of the Department of Defense shall, in coordination with the Chief Digital and Artificial Intelligence Officer, complete a pilot program to demonstrate the use of data analytics to the fiscal year 2024 cyber and information technology budget data of a military service.

(2) COORDINATION WITH MILITARY SERVICES.—In carrying out the demonstration program required by subsection (a), the Chief Information Officer shall, in coordination with the Secretary of the Air Force, the Secretary of the Army, and the Secretary of the Navy, select a military service for participation in the demonstration program.

(b) ELEMENTS.—The demonstration program shall include—

(1) efforts to determine, execute, and validate in an auditable manner the activities for the cyberspace and information technology budget of a military service;

(2) efforts to improve transparency in cyber and information technology budget in improving the cybersecurity of the defense industrial base;

(3) metrics developed to assess the effectiveness of the demonstration program;

(4) a cost tradeoff analysis of implementing the demonstration program across the budget of the cyber and information technology budgets of the Department of Defense;

(5) efforts to utilize data analytics to make budget trade-offs; and

(6) efforts to incorporate data analytics into the into the congressional budget submission process.

(c) BRIEFING.—(1) INITIAL BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Chief Information Officer shall provide a briefing to the Office of the Secretary and the Committee on Armed Services of the House of Representatives a brief on the plans and status of the Chief Information Officer’s participation in the demonstration program required by subsection (a).

(2) FINAL BRIEFCING.—Not later than March 1, 2024, the Chief Information Officer shall provide the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing on the results and findings of the Chief Information Officer with respect to the pilot program required by subsection (a). The briefing required by paragraph (a) shall include the following:

(i) Recommendations for expansion of the demonstration program to the entire cyber and information technology budget of the Department.

(ii) Plans for incorporating data analytics into the congressional budget submission process for the cyber and information technology budget of the Department.

SEC. 1631. LIMITATION ON AVAILABILITY OF FUNDS FOR OPERATION AND MAINTENANCE FOR OFFICE OF SECRETARY OF DEFENSE UNTIL FRAMEWORK TO ENHANCE CYBERSECURITY OF UNITED STATES DEFENSE INDUSTRIAL BASE IS COMPLETED.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act for fiscal year 2023 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 framework required by section 1648 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2928) is completed and submitted to the congressional defense committees.

(b) BRIEFING.—(1) IN GENERAL.—Not later than 30 days after the date of the submittal of the framework in accordance with subsection (a), the Secretary of Defense shall provide the congressional defense committees with a briefing on such framework.

(2) CONTENTS.—The briefing required by paragraph (1) shall include the following:

(A) An overview of the framework submitted in accordance with subsection (a).

(B) Identification of such pilot programs as the Secretary considers may be required to improve the cybersecurity of the defense industrial base.

(C) Implementation timelines and identification of costs.

(D) Such recommendations as the Secretary considers may have for legislative action to improve the cybersecurity of the defense industrial base.

SEC. 1632. ASSESSMENTS OF WEAPONS SYSTEMS VULNERABILITIES TO RADIO-FREQUENCY ENABLED CYBER ATTACKS.

(a) IN GENERAL.—The Secretary of Defense shall ensure that the activities required by and conducted pursuant to section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1138), section 1637 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 221 note), and the amendments made by section 1637 of the William M. S娈on National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 4087) include regular assessments of the vulnerabilities to and risks associated with radio-frequency enabled cyber attacks with respect to the operational technology embedded in weapons systems, aircraft, ships, ground vehicles, space systems, sensors, and datalink networks of the Department of Defense.

(b) ELEMENTS.—The assessments required under subsection (a) with respect to vulnerabilities and risks described in such subsection shall include—

(1) identification of such vulnerabilities and risks described in such subsection; and

(2) ranking of vulnerability, severity, and priority;
(3) development and selection of options, with associated costs and schedule, to correct such vulnerabilities, including installation of intrusion detection capabilities; and
(4) development of integrated risk-based plans to implement the corrective actions selected.
(c) DEVELOPMENT OF CORRECTIVE ACTIONS.—In developing corrective actions under subsection (b)(3), the assessments required under subsection (a) shall address requirements for deployed members of the Armed Forces to analyze data collected on the weapons systems and respond to attacks.
(d) INTELLIGENCE INFORMED ASSESSMENTS.—The assessments required under subsection (a) shall be informed by intelligence, if available, and technical judgment regarding potential threats to embedded operational technology during operations of the Armed Forces.
(e) COORDINATION.—
(1) COORDINATION AND INTEGRATION OF ACTIVITIES.—The assessments required under subsection (a) shall be fully coordinated and integrated with activities described in such subsection.
(2) COORDINATION OF ORGANIZATIONS.—The Secretary shall ensure that the organizations conducting the assessments under subsection (a) in the military departments, the United States Special Operations Command, and the Defense Agencies coordinate with each other and share best practices, vulnerability analyses, and technical solutions.

(3) development of options for systems, and implementation of corrective actions.
(f) BRIEFINGS.—Not later than one year after the date of the enactment of this Act, the Secretary shall provide to the congressional defense committees briefings from the organizations specified under subsection (e)(2), as appropriate, on the activities and plans required under this section.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.
This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2023”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.
(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organizations Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—
(1) October 1, 2025; or
(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2026.
(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organizations Security Investment Program.

SEC. 2003. EFFECTIVE DATE.
Titles XXI through XXVII shall take effect on the later of—
(1) October 1, 2022; or
(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.
(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Redstone Arsenal</td>
<td>$96,000,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Fort Wainwright</td>
<td>$99,000,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$14,200,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Fort Shafter</td>
<td>$33,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Schofield Barracks</td>
<td>$111,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Tripler Army Medical Center</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Fort Polk</td>
<td>$32,000,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Engineer Research and Development Center</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$34,000,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Letterkenny Army Depot</td>
<td>$38,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Corpus Christi Army Depot</td>
<td>$103,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Bliss</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Joint Base Lewis-McChord</td>
<td>$49,000,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>East Camp Grafenwoehr</td>
<td>$168,000,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Force Base</td>
<td>$99,000,000</td>
</tr>
<tr>
<td>Kwajalein</td>
<td>Kwajalein Atoll</td>
<td>$69,000,000</td>
</tr>
</tbody>
</table>

SEC. 2102. FAMILY HOUSING.
(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Baumholder</td>
<td>Family Housing Replacement Con-</td>
<td>$77,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>struction</td>
<td></td>
</tr>
<tr>
<td>Italy</td>
<td>Vicenza</td>
<td>Family Housing New Construction</td>
<td>$86,000,000</td>
</tr>
</tbody>
</table>
(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $37,339,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2833 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. EXTENSION AND MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.

(a) Kunsan Air Base, Korea.—

(1) Extension.—Notwithstanding section 2805 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817) for Kunsan Air Base, Korea, for construction of an unmanned aerial vehicle hangar at the installation, the Secretary of the Army may construct the hangar at Camp Humphries, Korea, and may remove primary scope associated with the relocation of the Air Defense Artillery (ADA) Battalion facilities, to include the ground based missile defense equipment area, fighting positions, missile resupply area ADA, ready building or command post, battery command post area, safety shelter, and walkway.

(b) Kwajalein Atoll, Kwajalein.—

(1) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 2195) for Kwajalein Atoll, the authority contained in the table in section 2102 of that Act (131 Stat. 2180) for Kwajalein Atoll, may remain in effect until October 1, 2023, for the construction of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(2) Modification.—In the case of the authority contained in the table in section 2102(b) of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1874) for Kunsan Air Base, Korea, for construction of an unmanned aerial vehicle hangar at the installation, the Secretary of the Army may construct the hangar at Camp Humphries, Korea, and may remove primary scope associated with the relocation of the Air Defense Artillery (ADA) Battalion facilities, to include the ground based missile defense equipment area, fighting positions, missile resupply area ADA, ready building or command post, battery command post area, safety shelter, and walkway.

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State or Territory</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Marine Corps Air Ground Combat Center Twentynine Palms</td>
<td>$120,382,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base Camp Pendleton</td>
<td>$117,310,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Recruit Depot San Diego</td>
<td>$83,200,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station Lemoore</td>
<td>$201,261,000</td>
</tr>
<tr>
<td></td>
<td>Naval Base San Diego</td>
<td>$132,700,000</td>
</tr>
<tr>
<td></td>
<td>Naval Base Point Loma Annex</td>
<td>$56,450,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center New London</td>
<td>$15,000,000</td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base New London</td>
<td>$15,514,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Naval Air Station Jacksonville</td>
<td>$86,232,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station Whiting Field</td>
<td>$199,289,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center Carderock Division</td>
<td>$2,073,000</td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base Kings Bay</td>
<td>$279,171,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base Camp Blaz</td>
<td>$530,389,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$3,754,192,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base Kaneohe Bay</td>
<td>$87,900,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Naval Surface Warfare Center Indian Head Division</td>
<td>$8,039,000</td>
</tr>
<tr>
<td></td>
<td>Marine Forces Reserve Battle Creek</td>
<td>$24,300,000</td>
</tr>
<tr>
<td>Michigan</td>
<td>Marine Corps Air Station Cherry Point</td>
<td>$146,165,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station New River</td>
<td>$38,415,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base Camp Lejeune</td>
<td>$210,600,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station Whidbey Island</td>
<td>$47,475,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center Philadelphia Division</td>
<td>$86,610,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center Dahlgren Division</td>
<td>$105,361,000</td>
</tr>
<tr>
<td>Navy: Inside the United States</td>
<td>Naval Submarine Base New London</td>
<td>$15,514,000</td>
</tr>
</tbody>
</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>$258,831,000</td>
</tr>
<tr>
<td>Djibouti</td>
<td>Camp Lemonnier</td>
<td>$106,700,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$195,400,000</td>
</tr>
</tbody>
</table>
SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>Territory</th>
<th>Installation or Location</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>NAVSUPPACT Andersen</td>
<td>PH IV</td>
<td>$86,390,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PH V</td>
<td>$93,259,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PH VI</td>
<td>$68,985,000</td>
</tr>
</tbody>
</table>

(b) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2203(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 $74,540,000.

(c) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $14,123,000.

SEC. 2203. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, 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 2863 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2204. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECT AT JOINT REGION MARIANAS, GUAM.

Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91; 131 Stat. 1817), the authorization contained in the table in section 2201(a) of that Act (131 Stat. 1822) at Joint Region Marianas, Guam, for Navy-Commercial Tie-in Hardening, as specified in the funding table in section 4601 of that Act (131 Stat. 2001), 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.

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 2303(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>Alabama</td>
<td>Maxwell Air Force Base</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Clear Space Force Station</td>
<td>$35,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Joint Base Elmendorf-Richardson</td>
<td>$5,200,000</td>
</tr>
<tr>
<td>California</td>
<td>Travis Air Force Base</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Vandenberg Space Force Base</td>
<td>$89,000,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Scott Air Force Base</td>
<td>$19,893,000</td>
</tr>
<tr>
<td>New York</td>
<td>Air Force Research Laboratory - Maui Experimental Site #1</td>
<td>$89,000,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright Patterson Air Force Base</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Tinker Air Force Base</td>
<td>$247,600,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Shaw Air Force Base</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Ellsworth Air Force Base</td>
<td>$328,000,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Arnold Air Force Base</td>
<td>$38,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio-Randolph</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$84,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fairchild Air Force Base</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>F.E. Warren Air Force Base</td>
<td>$186,000,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:
SEC. 2302. FAMILY HOUSING.

(a) IMPROVEMENTS TO MILITARY FAMILY
HOUSING UNITS.—Subject to section 2305 of
title 10, United States Code, and using
amounts appropriated pursuant to the au-
thorization of appropriations in section
2303(a) and available for military family
housing functions as specified in the funding
table in section 4601, the Secretary of the Air
Force may improve existing military family
housing units in an amount not to exceed
$17,730,000.

SEC. 2303. AUTHORIZATION OF APPROPRIATIONS,
AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—
Funds are hereby authorized to be appro-
priated for fiscal years beginning after Sep-
tember 30, 2022, for military construction,
land acquisition, and military family hous-
ing functions of the Department of the Air
Force, as specified in the funding table in
section 4601.

(b) LIMITATION ON TOTAL COST OF CON-
STRUCTION PROJECTS.—Notwithstanding the
cost variations authorized by section 2853 of
title 10, United States Code, and any other
cost variation authorized by law, the total
cost of all projects carried out under section
2301 of this Act may not exceed the total
amount authorized to be appropriated under
subsection (a), as specified in the funding
table in section 4601.

SEC. 2304. EXTENSION OF AUTHORITY TO CARRY
OUT CERTAIN FISCAL YEAR 2018
PROJECTS.

(a) AIR FORCE CONSTRUCTION AND LAND AC-
QUISITION.—

(1) IN GENERAL.—Notwithstanding section
2002 of the Military Construction Authoriza-
tion Act for Fiscal Year 2018 (division B of
Public Law 115–91; 131 Stat. 1817), the author-
izations set forth in the table in paragraph
(2), as provided in section 2301(a) of that Act
(131 Stat. 1825), for the projects specified in
that table shall remain in effect until Octo-
ber 1, 2023, or the date of the enactment of an
Act authorizing funds for military construc-
tion for fiscal year 2024, whichever is later.

(2) TABLE.—The table referred to in para-
graph (1) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Original Authorized Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Tyndall Air Force Base</td>
<td>Fire Station</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio</td>
<td>BMT Classrooms/Dining</td>
<td>$38,000,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>F. E. Warren Air Force Base</td>
<td>Camp Bullis Dining Facility</td>
<td>$18,500,000</td>
</tr>
</tbody>
</table>

(b) OVERSEAS CONTINGENCY OPERATIONS.—

(1) IN GENERAL.—Notwithstanding section
2002 of the Military Construction Authoriza-
tion Act for Fiscal Year 2018 (division B of
Public Law 115–91; 131 Stat. 1817), the author-
izations set forth in the table in paragraph
(2), as provided in section 2301(a) of that Act
(131 Stat. 1825), for the projects specified in
that table shall remain in effect until Octo-
ber 1, 2023, or the date of the enactment of an
Act authorizing funds for military construc-
tion for fiscal year 2024, whichever is later.

(2) TABLE.—The table referred to in para-
graph (1) 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>Hungary</td>
<td>Kecskemet Air Base</td>
<td>ERI: Airfield Upgrades</td>
<td>$12,900,000</td>
</tr>
</tbody>
</table>
| Luxembourg  | Sanem                     | ERI: Increase POL Storage Cap-
icity                        | $12,500,000                 |
| Slovakia    | Malacky                   | ERI: Airfield Upgrades         | $4,000,000                  |
|             | Sliac Airport             | ERI: Airfield Upgrades         | $22,000,000                 |

SEC. 2305. MODIFICATION OF AUTHORITY TO
CARRY OUT CERTAIN FISCAL YEAR
2020 PROJECTS AT TYNDALL AIR
FORCE BASE, FLORIDA.

In the case of the authorization contained
in section 2912(a) of the Military Construc-
tion Authorization Act for Fiscal Year 2020
(divison B of Public Law 116–92; 133 Stat. 1913) for Tyndall Air Force Base, Florida—

(1) for construction of Lodging Facilities
Phases 1–2, as specified in the funding table
in section 4603 of that Act (133 Stat. 2163) and
modified by subsection (a)(7) of section 2306
of the Military Construction Authorization
Act for Fiscal Year 2021 (division B of Public
Law 116–283; 134 Stat. 4302), the Secretary of
the Air Force may construct an emergency
backup generator;

(2) for construction of Dorm Complex
Phases 1–2, as specified in such funding table
and modified by subsection (a)(8) of such sec-
tion 2306, the Secretary of the Air Force may
construct two emergency backup generators;

(3) for construction of Site Development,
Utilities & Demo Phase 2, as specified in
such funding table and modified by sub-
section (a)(6) of such section 2306, the Sec-
cretary of the Air Force may construct—
(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for 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 or Territory</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Missile and Space Intelligence Center, Redstone Arsenal</td>
<td>$10,700,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Mountain Warfare Training Center</td>
<td>$25,560,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Naval Base Ventura County</td>
<td>$13,360,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Patrick Space Force Base</td>
<td>$2,400,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Naval Submarine Base Kings Bay</td>
<td>$11,200,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$34,360,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Riley</td>
<td>$25,780,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>National Security Agency-Washington, Fort Meade</td>
<td>$23,310,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$31,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>U.S. Army Reserve Center, Conroe</td>
<td>$9,900,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>National Geospatial-Intelligence Agency Campus East, Port Belvoir</td>
<td>$1,100,000</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 section 4601 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:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Djibouti</td>
<td>Camp Lemonnier</td>
<td>$24,000,000</td>
</tr>
</tbody>
</table>
SEC. 2401. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, 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 6901.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2833 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 6901.

SEC. 2404. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.

(a) Extension.—Notwithstanding section 202 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the authorization set forth in the table in subsection (b), as provided in section 2601(b) of that Act (131 Stat. 1829), for the projects specified in that table 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>Japan</td>
<td>Iwakuni</td>
<td>Construct Bulk Storage Tanks PH 1</td>
<td>$30,800,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>USCG Station; Punta Boringuen</td>
<td>Ramey Unit School Replacement</td>
<td>$61,071,000</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.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, 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 6901.

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:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army</td>
<td>Camp Humphreys</td>
<td>Quartermaster Laundry/Dry Cleaner Facility</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Army</td>
<td>Camp Humphreys</td>
<td>MILVAN CONNEX Storage Yard</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Navy</td>
<td>Camp Mujuk</td>
<td>Replace Ordnance Storage Magazines</td>
<td>$150,000,000</td>
</tr>
<tr>
<td>Navy</td>
<td>Fleet Activities Chinhae</td>
<td>Water Treatment Plant Relocation</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Gimhae Air Base</td>
<td>Refueling Vehicle Shop</td>
<td>$8,900,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Osan Air Base</td>
<td>Combined Air and Space Operations Intelligence Center</td>
<td>$306,000,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Osan Air Base</td>
<td>Upgrade Electrical Distribution West, Phase 3</td>
<td>$235,000,000</td>
</tr>
</tbody>
</table>

SEC. 2512. REPEAL OF AUTHORIZED APPROACH TO CONSTRUCTION PROJECT AT CAMP HUMPHREYS, REPUBLIC OF KOREA.

Section 2511 of the Military Construction Authorization Act for Fiscal Year 2022 (division B of Public Law 117–81; 135 Stat. 2177) is amended—

(1) in subsection (a), by striking “(a) Authorization to Accept Projects.—Pursuant to inserting “Pursuant to”;

(2) by striking subsection (b).

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 6901, 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 or Territory</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Joint Base Elmendorf-Richardson</td>
<td>$63,000,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Camp Robinson</td>
<td>$9,500,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>New Castle</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Gainesville</td>
<td>$21,000,000</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 or Territory</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Perrine</td>
<td>$46,000,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Arroyo</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Yakima</td>
<td>$64,000,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Fort McCoy</td>
<td>$22,000,000</td>
</tr>
</tbody>
</table>

### SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State or Territory</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>Marine Corps Base Kaneohe Bay</td>
<td>$102,600,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Marine Forces Reserve Dam Neck Virginia Beach</td>
<td>$10,400,000</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>Birmingham International Airport</td>
<td>$7,500,000</td>
</tr>
<tr>
<td></td>
<td>Montgomery Regional Airport</td>
<td>$9,200,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Morris Air National Guard Base</td>
<td>$12,000,000</td>
</tr>
<tr>
<td></td>
<td>Tucson International Airport</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Jacksonville International Airport</td>
<td>$22,200,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Fort Wayne International Airport</td>
<td>$12,800,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>McGhee-Tyson Airport</td>
<td>$23,900,000</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Quonset State Airport</td>
<td>$35,000,000</td>
</tr>
<tr>
<td>West Virginia</td>
<td>McLaughlin Air National Guard Base</td>
<td>$10,000,000</td>
</tr>
</tbody>
</table>

### SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:
Air Force Reserve

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Keesler Air Force Base</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Tinker Air Force Base</td>
<td>$12,500,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Langley Air Force Base</td>
<td>$10,500,000</td>
</tr>
</tbody>
</table>

**SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 893 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 2601.

**SEC. 2607. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.**

(a) **Extension.**—Notwithstanding section 202 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91; 131 Stat. 1817), the authorities set forth in the table in subsection (b), as provided in section 2904 of that Act (131 Stat. 1836), for the projects specified in that table 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>Army National Guard: Outside the United States</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>State</strong></td>
</tr>
<tr>
<td>-----------</td>
</tr>
<tr>
<td>Indiana</td>
</tr>
<tr>
<td>South Dakota</td>
</tr>
<tr>
<td>Wisconsin</td>
</tr>
</tbody>
</table>

**SEC. 2608. CORRECTIONS TO AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2022 PROJECTS.**

The table in section 2601 of the Military Construction Authorization Act Fiscal Year 2022 (division B of Public Law 117-41; 135 Stat. 2178) is amended—

(1) in the item related to Redstone Arsenal, Alabama, by striking “Redstone Arsenal” and inserting “Huntsville”;

(2) in the item related to Jerome National Guard Armory, Idaho, by striking “National Guard Armory”;

(3) in the item relating to Nickell Memorial Armory Topeka, Kansas, by striking “Nickell Memorial Armory”;

(4) in the item relating to Lake Charles National Guard Readiness Center, Louisiana, by striking “National Guard Readiness Center”;

(5) in the item relating to Camp Grayling, Michigan, by striking “Camp”;

(6) in the item relating to Butte Military Entrance Testing Site, Montana, by striking “Military Entrance Testing Site”;

(7) in the item relating to Mead Army National Guard Readiness Center, Nebraska, by striking “Army National Guard Readiness Center” and inserting “Training Site”;

(8) in the item relating to Dickinson National Guard Armory, North Dakota, by striking “National Guard Armory”;

(9) in the item relating to Bennington National Guard Armory, Vermont, by striking “National Guard Armory” and (10) in the item relating to Camp Ethan Allen Training Site, Vermont, by striking “Camp Ethan Allen Training Site” and inserting “Ethan Allen Air Force Base”.

**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, 2022, 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 Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2140), as specified in the funding table in section 4601.

**SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE ACTIVITIES.**

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

**TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS.**

Subtitle A—Military Construction Program

**SEC. 2801. MODIFICATION OF COST THRESHOLDS FOR AUTHORITY OF DEPARTMENT OF DEFENSE TO ACQUIRE LOW-COST INTERESTS IN LAND.**

Section 2663(c) of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by striking “$750,000” and inserting “$6,500,000”;

(2) in paragraph (2), by striking subparagraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in paragraph (2), as redesignated by paragraph (3), by striking “unless the total cost is more than $750,000” and inserting “unless the total cost is more than $6,500,000”.

**SEC. 2802. CLARIFICATION OF EXCEPTIONS TO LIMITATIONS ON COST VARIATIONS FOR MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.**

Subparagraph (D) of section 2833(c)(1) of title 10, United States Code, is amended to read as follows:

“(D) The Secretary concerned may not use the authority provided by subparagraph (A) to waive the cost limitation applicable to a military construction project with a total authorized cost greater than $500,000,000 or a military family housing project with a total authorized cost greater than $500,000,000 if that waiver would increase the project cost by more than 50 percent of the total authorized cost of the project.”.

**SEC. 2803. ELIMINATION OF SUNSET OF AUTHORITY TO CONDUCT UNSPECIFIED MINOR MILITARY CONSTRUCTION FOR LAB REVITALIZATION.**

Section 2805(d) of title 10, United States Code, is amended by striking paragraph (5).

**SEC. 2804. REQUIREMENT FOR INCLUSION OF DEPARTMENT OF DEFENSE FORM 1391 WITH ANNUAL BUDGET SUBMISSION BY PRESIDENT.**

Concurrently with the submission to Congress by the President of the annual budget of the Department of Defense for a fiscal year under section 1105(a) of title 31, United States Code, the President shall include each Department of Defense Form 1391, or successor similar form, for a military construction project to be carried out during that fiscal year.

**SEC. 2805. DETERMINATION AND NOTIFICATION RELATING TO EXECUTIVE ORDERS THAT IMPACT COST AND SCOPE OF WORK OF MILITARY CONSTRUCTION PROJECTS.**

(a) **Determination and Update of Form 1391.**—Not later than 30 days after the date on which an Executive order is signed by the President, the Secretary concerned shall—

(1) determine whether the Executive order would cause a cost or scope of work variation that has not been submitted to Congress for consideration, including—

(A) projects for the next fiscal year; and

(B) projects covered by the future-years defense program submitted under section 221 of title 10, United States Code.

(b) **Notification to Congress.**—Not later than 10 days after determining under subsection (a) that an Executive order would cause a cost or scope of work variation for a military construction project, the Secretary concerned shall submit to the congressional defense committees a report indicating all military construction projects under the jurisdiction of the Secretary concerned that would be impacted by such cost or scope of work variation that has not been submitted to Congress for consideration, including—

(A) projects for the next fiscal year; and

(B) projects covered by the future-years defense program submitted under section 221 of title 10, United States Code.
SEC. 2808. EXTENSION OF AUTHORIZATION OF DEPOT WORKING CAPITAL FUNDS FOR UNASSIGNED MINOR MILITARY CONSTRUCTION.

Section 2208(u)(4) of title 10, United States Code, is amended by striking “September 30, 2023”, and inserting “November 2, 2025.”

SEC. 2807. TEMPORARY INCREASE OF AMOUNTS IN CONNECTION WITH AUTHORITY TO CONSTRUCT SPECIFIC MINOR MILITARY CONSTRUCTION.

For the period beginning on the date of the enactment of this Act and ending on December 31, 2025, section 2305 of title 10, United States Code, shall be applied and administered—

(1) in subsection (a)(2), by substituting “$9,000,000” for “$5,000,000”;

(2) in subsection (c), by substituting “$4,000,000” for “$2,000,000”;

(3) in subsection (d),

(A) in paragraph (1), by substituting “$9,000,000” for “$6,000,000”; and

(B) in paragraph (2), by substituting “$9,000,000” for “$6,000,000”; and

(4) in subsection (f)(1), by substituting “$11,000,000” for “$10,000,000”.

SEC. 2808. ELECTRICAL CHARGING CAPABILITY CONSTRUCTION REQUIREMENTS RELATING TO PARKING FOR FEDERAL GOVERNMENT MOTOR VEHICLES.

(a) IN GENERAL.—Chapter 88 of title 10, United States Code, is amended by inserting after section 2894a the following new section:


(a) IN GENERAL.—There is in the Department of Defense the Department of Defense Military Housing Readiness Council (in this section referred to as the ‘Council’).

(b) MEMBERS.—

(1) IN GENERAL.—The Council shall be composed of the following members:

(A) The Assistant Secretary of Defense for Energy, Installations, and Environment, who shall serve as chair of the Council and who may designate a representative to chair the Council in the absence of the Assistant Secretary.

(B) One representative of each of the Army, Navy, Air Force, Marine Corps, and Space Force, each of whom shall be a member of the appropriate service to be represented and not fewer than two of which shall be from an enlisted component.

(C) One spouse of an active component member of any of the Army, Navy, Air Force, Marine Corps, and Space Force, not fewer than two of which shall be the spouse of an enlisted component member.

(D) One individual appointed by the Secretary of Defense among representatives of the International Code Council.

(E) One individual appointed by the Secretary of Defense among representatives of the Institute of Inspection Cleaning and Restoration Certification.

(F) One individual appointed by the Chair of the Committee on Armed Services of the House of Representatives who is not described in subparagraph (B) or (C) and is not a representative of an organization specified in subparagraph (D) or (E).

(G) One individual appointed by the Committee on Armed Services of the House of Representatives who is not described in subparagraph (B) or (C) and is not a representative of an organization specified in subparagraph (D) or (E).

(2) TERMS.—The term on the Council of the members specified under subparagraphs (B) through (H) of paragraph (1) shall be two years and may be renewed by the Secretary of Defense.

(3) ATTENDANCE BY LANDLORDS.—The chair of the Council shall extend an invitation to each landlord to attend such meetings of the Council as the chair considers appropriate.

(c) MEETINGS.—The Council shall meet not less often than four times each year.

(d) DUTIES.—The duties of the Council shall include the following:

(1) To review and make recommendations to the Secretary of Defense regarding policies for privatized military housing, including inspections practices, resident surveys, landlord payment of medical bills for residents of housing units that have not maintained minimum standards of habitability, and access to maintenance work order systems.

(2) To monitor compliance by the Department with and effective implementation by the Department of statutory improvements to policies for privatized military housing, including the Military Housing Privatization Initiative Tenant Bill of Rights developed under section 2894a of this title and the complaint database established under section 2894a of this title.

(3) To make recommendations to the Secretary of Defense on information dissemination, awareness, and promotion of accurate and timely information about privatized military housing, accommodations available through the Exceptional Family Member Program of the Department of Defense, and other support services among policymakers, service providers, and targeted beneficiaries.

(e) PUBLIC REPORTING.

(1) AVAILABILITY OF DOCUMENTS.—Subject to section 552 of title 5 (commonly known as the ‘Freedom of Information Act’), the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agendas, and other documents made available to or prepared for by or on behalf of the Council shall be available for public inspection and copying at a single location in a publicly accessible format on a website of the Department of Defense until the Council ceases to exist.

(2) MINUTES.—

(A) IN GENERAL.—Detailed minutes of each meeting of the Council shall be kept and shall contain—

(i) a record of the individuals present;

(ii) a complete and accurate description of matters discussed and conclusions reached; and

(iii) copies of all reports received, issued, or approved by the Council.

(B) CERTIFICATION.—The Chair of the Council shall certify in writing the minutes of each meeting of the Council.

(f) ANNUAL REPORTS.—
SEC. 2824. IMPLEMENTATION OF RECOMMENDATIONS FROM AUDIT OF MEDICAL CONDITIONS OF RESIDENTS IN PRIVATIZED MILITARY HOUSING.

Not later than September 30, 2023, the Secretary of Defense shall implement the recommendations contained in the report of the Inspector General of the Department of Defense dated April 1, 2022, subtitled ‘‘Conditions of Residents in Privatized Military Housing’’ (DODIG–2022–078).

Subtitle C—Land Conveyances

SEC. 2841. CONVEYANCE, JOINT BASE CHARLESTON–WALLA WALLA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army for the Air Force (in this section referred to as the ‘‘Secretary’’) may convey to the City of Charleston, South Carolina, for the purpose of permitting the City to provide, improve, maintain, repair, and operate the Naval Air Station Joint Reserve Base, as the Secretary considers appropriate to protect the interests of the United States, an interest in approximately 26 acres known as the Old Navy Yard at Joint Base Charleston, South Carolina, for the purpose of permitting the City to use the property for economic development.

(b) MATTERS INCLUDED.—In preparing the conveyance under subsection (a), the Secretary shall include—

(1) analyses of complaints of tenants of housing units;

(2) data received by the Council on maintenance response time and completion of maintenance requests relating to housing units;

(3) assessments of overall customer service for tenants;

(4) assessments of results of housing inspections conducted with and without notice;

(5) any survey results conducted on behalf of or received by the Council.

(C) DESCRIPTION OF PROPERTY.—The term ‘‘property’’ means the property to be conveyed under subsection (a).

(d) 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.

(e) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to all valid existing rights and the City shall accept the property (and any improvements thereon) in its condition at the time of the conveyance (commonly known as a conveyance ‘‘as is’’).

(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.

(g) OLD NAVY YARD DEFINED.—In this section, the term ‘‘Old Navy Yard’’ includes the facilities used by the Naval Information Warfare Center Atlantic Warfings 1602, 1603, 1639, 1648, and such other facilities, infrastructure, and land along or near the Cooper River waterfront at Joint Base Charleston as the Secretary considers appropriate.

Subtitle D—Other Matters

SEC. 2861. INTEGRATED MASTER INFRASTRUCTURE PLAN TO SUPPORT DEFENSE OF GUAM.

(a) UPDATE OF PLAN AND REPORT.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall, in consultation with the heads of such Federal agencies as the Secretary considers appropriate, update and submit to Congress such plan in the following manner:

(1) update the plan detailing descriptions of work, costs, and a schedule for completion of construction, improvements, and repairs to the nonmilitary utilities, facilities, and infrastructure, if any, on Guam affected by the realignment of forces, required by section 2822 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66), to reflect current and future plans for the introduction of additional military and supporting nonmilitary capabilities on the island; and

(2) submit to the congressional defense committees a report on the updates made under paragraph (1).

(b) MATTERS INCLUDED.—In preparing the update required by subsection (a)(1), the Secretary shall ensure that, at a minimum, the resulting updated plan addresses:

(1) necessary inspection (as to the existing civilian electrical power grid and electric power generation capabilities to ensure that the expected increase in Department of Defense resources can be satisfied without adversely affecting the general population;

(2) opportunities for increasing energy resiliency for Department of Defense facilities and reducing expected demands on civilian resources;
(3) expediting the ability to remove unexploded ordnance during construction;
(4) required enhancements to potable water supplies and sewer systems to sustain expected increases in Department of Defense employees, military, supporting personnel, and dependents;
(5) needed civilian roadway rehabilitation efforts and enhancements to support increased traffic and heavy equipment movements;
(6) advisable commercial airport and seaport rehabilitation and capacity expansion projects that could improve logistical effectiveness and efficiency;
(7) needed public safety infrastructure needs to provide adequate fire and police services for expected increases in Department of Defense employees, military, supporting personnel, and dependents;
(8) project timelines for completion and anticipated phasing for projects; and
(9) other topics the Secretary deems appropriate to include.

(c) Form.—The report submitted under subsection (a)(2) shall be submitted in an unclassified form, but may include a classified annex.

SEC. 2862. REPEAL OF REQUIREMENT FOR INTER-AGENCY COORDINATION GROUP OF INSPECTION GENERAL FOR GUAM REALIGNMENT.

Section 3833 of the Military Construction Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2687 note) is repealed.

SEC. 2863. TEMPORARY AUTHORITY FOR ACCEPTANCE OF FUNDS FOR THE PURCHASE OF CERTAIN CONSTRUCTION PROJECTS IN THE REPUBLIC OF KOREA.

Section 2026 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1899) is amended—
(1) in the section heading, by striking “MUTUAL DEFENSIVE, TO THE DEPARTMENT OF DEFENSE AND” and inserting “IN”;
(2) in subsection (a)(1)—
(A) in the matter preceding subparagraph (A), by striking “cash”; and
(B) in subparagraph (B), by inserting “and construction” after “The design”;
(3) in subsection (b), by striking “Contributions” and inserting “Cash contributions”;
(4) by amending subsection (e) to read as follows:
“(e) Method of Contribution.—Contributions may be accepted under subsection (a) in any of the following forms:
“(1) Irrevocable letter of credit issued by a financial institution acceptable to the Treasurer of the United States.
“(2) Drawing rights on a commercial bank account established and funded by the Government of the Republic of Korea, which account is blocked such that funds deposited cannot be withdrawn except by or with the approval of the United States.
“(3) Cash, which shall be deposited into the account established under subsection (b).”;

SEC. 2864. MODIFICATION OF QUITCLAIM DEED REQUIREMENTS FOR USE OF UNITED STATES AND THE CITY OF CLINTON, OKLAHOMA.

(a) In General.—The Secretary of Defense shall abrogate and release the City of Clinton, Oklahoma, or any subsequent grantee, from the conditions specified in subsection (b) for the land specified in subsection (d).

(b) The Secretary of Defense shall have the right to make exclusive or nonexclusive use and have exclusive or nonexclusive control and possession, without charge, of the airport located on the land specified in subsection (d), or of such portion thereof as the President may desire.

(2) That the Department of Defense shall be responsible for the entire cost of maintaining such part of the airport as it may use exclusively, or over which it may have exclusive or nonexclusive control, during the period of such use, possession, or control, and shall be obligated to contribute a reasonable share, commensurate with the use made by it, of the cost of maintenance of such property as it may use nonexclusively or over which it may have nonexclusive control and possession.

(3) That the Department of Defense shall pay a fair rental for its use, control, or possession, exclusively or nonexclusively, of any improvements to the airport made without aid from the Department.

(c) Payment of Costs.—The Secretary of Defense may authorize the purchase or lease of covered nontactical vehicles that are not described in such subsection if the Secretary determines, on a case by case basis, that—
(1) the technology involved in the vehicles to be purchased or leased reduces the consumption of fossil fuels compared to vehicles that use conventional internal combustion technology;
(2) the purchase or lease of such vehicles is consistent with the energy performance goals and plan of the Department of Defense required by section 2961 of this title; and
(3) the purchase or lease of vehicles described in subsection (a) is impracticable under the circumstances.

(d) Waiver.—
“(1) In General.—The Secretary of Defense may waive the requirement under subsection (a).
“(2) Nondelegation.—The Secretary of Defense may not delegate the waiver authority under paragraph (1).

(e) Definitions.—In this section:
“(1) Advanced-Biofuel-Powered Vehicle.—The term ‘advanced-biofuel-powered vehicle’ includes a vehicle that uses a fuel described in section 9001(3)(A) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1931(3)(A)).
“(2) Covered Nontactical Vehicle.—The term ‘covered nontactical vehicle’ means any vehicle:
“(A) that is not a tactical vehicle designed for use in combat; and
“(B) that is purchased or leased by the Department of Defense pursuant to a contract entered into, renewed, modified, or amended on or after October 1, 2030.

(3) Hydrogen-Powered Vehicle.—The term ‘hydrogen-powered vehicle’ means a vehicle that uses hydrogen as the main source of motive power, either through a fuel cell or internal combustion.

(2) Clerical Amendment.—The table of sections at the beginning of subchapter II of chapter 173 of such title is amended by striking the item relating to section 2922g and inserting the following new item:
“(2922g. Procurement of electric, zero emission, advanced-biofuel-powered, or hydrogen-powered vehicles)
(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2030.
DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs and Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 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 plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 23–D–516, Energetic Materials Characterization Facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $19,000,000.

Project 23–D–517, Electrical Power Capacity Upgrade, Los Alamos National Laboratory, Los Alamos, New Mexico, $24,000,000.


Project 23–D–533, Component Test Complex Project, Bettis Atomic Power Laboratory, West Pit Building, Pittsburgh, Pennsylvania, $79,120,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2023 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant projects:

Project 23–D–402, Calicine Construction, Idaho National Laboratory, Idaho Falls, Idaho, $10,000,000.


SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2023 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2023 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. WORKFORCE ENHANCEMENT FOR NATIONAL SECURITY PROGRAMS.

(a) FIXED-TERM APPOINTMENT FOR ADMINISTRATOR FOR NUCLEAR SECURITY.—

(1) In paragraph (2) of the Department of Energy Organization Act (42 U.S.C. 7132(c)) is amended—

(A) in paragraph (1)—

(i) by inserting ‘‘(A)’’ after ‘‘(1);’’

(ii) by striking ‘‘shall be appointed’’ and all that follows through ‘‘Code.’’ and inserting the following—

‘‘(i) be appointed by the President, by and with the advice and consent of the Senate; and’’;

(ii) serve—

‘‘(I) except as provided in clause (II), for a term of not more than 5 years; or’’;

(iii) by adding at the end the following:

‘‘(B) by adding a person appointed to serve as the Under Secretary for Nuclear Security shall continue to serve in that position after the expiration of the person’s term under subparagraph (A)(i) until a successor is appointed, by and with the advice and consent of the Senate;’’;

(B) by redesigning paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following new paragraph (2):

‘‘(2) The Under Secretary for Nuclear Security shall be compensated at the rate provided for at level III of the Executive Schedule under section 5314 of title 5, United States Code.’’

(2) JUSTIFICATION FOR INCOMPLETE MILESTONES.—If the milestones described in subsection (b) are not achieved by the date of the enactment of this Act, the Administrator shall brief the congressional defense committees whether the milestones described in subsection (a) have been achieved.

(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 for the National Nuclear Security Administration as follows:


(3) the ability of the nuclear security enterprise to accelerate the modernization of manufacturing processes for nuclear fuel so that the nuclear security enterprise—

(C) specifying new dates for the completion of the milestones described in subsection (a); and

(d) BRIEFING.—Not later than March 31, 2023, and annually thereafter through 2030, the Administrator shall brief the congressional defense committees on—

(1) progress made in carrying out sub-parts (a), (b), and (c); and

(2) the cost of activities conducted under such sub-sections during the preceding fiscal year; and

(e) NUCLEAR SECURITY ENTERPRISE DEFINED.—In this section, the term ‘‘nuclear security enterprise’’ has the meaning given that term in section 4302 of the Atomic Energy Defense Act (50 U.S.C. 2401).

SEC. 3112. ACCELERATION OF DEPLETED URANIUM MANUFACTURING PROCESSES.

(a) ACCELERATION OF MANUFACTURING.—The Administrator for Nuclear Security shall require the nuclear security enterprise to accelerate the modernization of manufacturing processes for war reserve depleted uranium hexafluoride to depleted uranium tetrfluoride on an operational basis; and

(b) BRIEFING.—Not later than March 31, 2023, and annually thereafter through 2030, the Administrator shall brief the congressional defense committees on—

(1) progress made in carrying out subsections (a), (b), and (c); and

(2) the cost of activities conducted under such subsections during the preceding fiscal year; and

(c) NUCLEAR SECURITY ENTERPRISE DEFINED.—In this section, the term ‘‘nuclear security enterprise’’ has the meaning given that term in section 4302 of the Atomic Energy Defense Act (50 U.S.C. 2401).

SEC. 3113. CERTIFICATION OF COMPLETION OF MILESTONES WITH RESPECT TO PLUTONIUM PIT AGING.

(a) IN GENERAL.—The National Nuclear Security Administration shall complete the milestones on plutonium pit aging identified in the report entitled ‘‘Research Program Plan for Plutonium Aging’’ published by the Administration in September 2021.

(b) ANNUAL ASSESSMENT.—The Administrator for Nuclear Security shall seek to enter into an arrangement with the private scientific advisory group known as JASON to conduct, annually through 2030, an assessment of the progress achieved toward completing the milestones described in subsection (a).

(c) BRIEFING OF CONGRESSIONAL DEFENSE COMMITTEES.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter until 2030, the Administrator shall brief the congressional defense committees on—

(1) the progress achieved toward completing the milestones described in subsection (a); and

(2) the results of the assessment described in subsection (b).

(d) CERTIFICATION OF COMPLETION OF MILESTONES.—

(1) IN GENERAL.—Not later than October 1, 2023, the Administrator shall certify to the congressional defense committees whether the milestones described in subsection (a) have been achieved.

(2) JUSTIFICATION FOR INCOMPLETE MILESTONES.—If the milestones described in subsection (a) have not been achieved, the Administrator shall submit to the congressional defense committees, concurrently with the certification required by paragraph (1), a report—

(A) describing the reasons such milestones have not been achieved;

(B) including, if the Administrator determines the Administration is not able to meet one of such milestones, an explanation for that determination; and

(C) specifying new dates for the completion of the milestones the Administrator anticipates the Administration will meet.

SEC. 3114. ASSISTANCE BY THE NATIONAL NUCLEAR SECURITY ADMINISTRATION TO THE AIR FORCE FOR THE DEVELOPMENT OF THE MARK 21A FUSE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall enter into an agreement with the Secretary of the Air Force under which the Administrator shall provide the Air Force in developing a fuse for the Mark 21A reentry vehicle to support the W80-1 warhead.
over the projected lifetime of the warhead, including by—

(1) acting as an external reviewer of the Mark 21A fuse, including by reviewing—

(A) the design of the fuse;

(B) the quality of manufacturing and parts; and

(C) the life availability of components;

(2) advising and supporting the Air Force on strategies to mitigate technical and schedule fuse risks; and

(3) otherwise ensuring the expertise of the National Nuclear Security Administration in supporting the fabrication of the Mark 21A fuse and warhead design and manufacturing is available to support successful development and sustainment of the fuse over its lifetime.

(b) BUDGET REQUEST.—The Administrator shall include, in the budget justification material submitted to Congress in support of the budget of the Department of Energy for fiscal year 2023 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a request for amounts sufficient to ensure that the assistance provided to the Air Force under the agreement required by subsection (a) does not negatively affect ongoing nuclear modernization programs of the Administration.

(c) NUCLEAR WEAPONS COUNCIL REVIEW.—The Nuclear Weapons Council established under section 179 of title 10, United States Code, shall review the agreement required by subsection (a) and ensure that assistance provided to the Air Force in accordance with the agreement required by subsection (a) and any comments that the Council considers appropriate.

SEC. 3115. EXTENSION OF DEADLINE FOR TRANSFERS OF LAND TO CONVENEY TO LOS ALAMOS COUNTY, NEW MEXICO.

(a) ENVIRONMENTAL RESTORATION.—If the Secretary of Energy, under any authority granted by law, determines that a covered parcel of land requires environmental restoration or remediation, the Secretary shall, to the maximum extent practicable, complete the environmental restoration or remediation of the covered parcel of land not later than 120 days after the date of the enactment of this Act, the Nuclear Weapons Council shall transmit to the congressional defense committees a report describing the standardized indirect cost elements determined by subsection (a) and a plan to require contractors to report, beginning in fiscal year 2026, such standardized indirect cost elements to the Administrator.

(b) STANDARDIZED INDIRECT COST ELEMENTS DEFINED.—In this section, the term ‘standardized indirect cost elements’ means the categories of indirect costs incurred by management and operating contractors that receive funds to perform work for the National Nuclear Security Administration.

SEC. 3123. PURCHASE OF REAL PROPERTY.

(a) IN GENERAL.—Subtitle E of the National Nuclear Security Administration Act (50 U.S.C. 2603) is amended—

(1) in subsection (a)(2), by striking ‘‘$25,000,000 (in base fiscal year 2021 dollars).’’.

(b) LIMITATION ON USE OF FUNDS FOR THE PURCHASE OF OPTIONS TO PURCHASE OR LEASE REAL PROPERTY.

(a) IN GENERAL.—The term ‘‘alternative technologies’’ means technologies, such as accelerator-based equipment, that do not use radioactive materials.

SEC. 3117. UNAVAILABILITY FOR OVERHEAD.

Section 4233 of the Atomic Energy Defense Act (50 U.S.C. 2733(a)) is amended—

(1) in paragraph (2)(D), by striking ‘‘$750,000,000’’ and inserting ‘‘$960,000,000 (in base fiscal year 2022 dollars)’’;

(2) in paragraph (3)(A)(i), by striking ‘‘$350,000,000’’ and inserting ‘‘$550,000,000 (in base fiscal year 2022 dollars)’’;

(3) in paragraph (3)(A)(ii), by striking ‘‘$500,000,000’’ and inserting ‘‘$650,000,000 (in base fiscal year 2022 dollars)’’.

SEC. 3124. DETERMINATION OF STANDARDIZED INDIRECT COST ELEMENTS.

(a) IN GENERAL.—Not later than March 31, 2025, the Deputy Chief Financial Officer of the Department of Energy shall, in consultation with the Administrator for Nuclear Security and the Director of the Office of Science, determine standardized indirect cost elements to be reported by contractors to the Administrator.

(b) REPORT.—Not later than 90 days after the date that the determination required by subsection (a) is made, the Deputy Chief Financial Officer shall, in coordination with the Administrator and the Director, submit to the congressional defense committees a report describing the standardized indirect cost elements determined by subsection (a) and a plan to require contractors to report, beginning in fiscal year 2026, such standardized indirect cost elements to the Administrator.

SEC. 3125. USE OF FUNDS FOR THE PURCHASE OF OPTIONS TO PURCHASE OR LEASE REAL PROPERTY.

(a) IN GENERAL.—Of the funds authorized to be appropriated by the National Nuclear Security Administration Act for Fiscal Year 2022 (Public Law 114–327; 50 U.S.C. 2529) is amended—

(1) in paragraph (1), by inserting ‘‘DOE NATIONAL SECURITY AUTHORIZATION .’’ before ‘‘The’’; and

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

‘‘(2) MINOR CONSTRUCTION THRESHOLD.—The term ‘minor construction threshold’ means $25,000,000 (in base fiscal year 2021 dollars).’’.

(b) REPEAL.—Section 4713(a) of the Atomic Energy Defense Act (50 U.S.C. 2753(a)) is amended—

(1) in paragraph (2)(D), by striking ‘‘$750,000,000,000’’ and inserting ‘‘$960,000,000,000 (in base fiscal year 2022 dollars)’’.

(2) in paragraph (3)(A)(i), by striking ‘‘$350,000,000,000’’ and inserting ‘‘$550,000,000,000 (in base fiscal year 2022 dollars)’’.

(3) in subsection (a)(2), by striking ‘‘$25,000,000 (in base fiscal year 2021 dollars).’’.

(4) in subsection (b), by striking ‘‘2018’’ and inserting ‘‘2024’’; and

(5) in subsection (c)—

(A) by striking ‘‘2026’’ and inserting ‘‘2031’’;

(B) by striking ‘‘2025’’ and inserting ‘‘2030’’; and

(C) by striking ‘‘2023’’ and inserting ‘‘2028’’.

SEC. 3126. REQUIREMENTS FOR SPECIFIC REQUEST FOR NEW OR MODIFIED NUCLEAR WEAPONS PRODUCTION FACILITIES.

Section 3209 of the Atomic Energy Defense Act (50 U.S.C. 2529) is amended—

(1) in subsection (a)(1), by inserting ‘‘be subject to the nuclear weapon acquisition process’’ after ‘‘modified nuclear weapon’’; and

(2) by striking subsection (b) and inserting the following new subsection:

‘‘(b) BUDGET REQUEST FORMAT.—In a request for funds under subsection (a), the Secretary shall include a dedicated line item for each activity described in subsection (a)(2) for a new nuclear weapon or modified nuclear weapon that is in phase 2 or higher or phase 2.5 or higher, that is the category of the nuclear weapon acquisition process. ’’.

SEC. 3127. LIMITATION ON USE OF FUNDS FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION ADVANCED MANUFACTURING DEVELOPMENT.

(a) IN GENERAL.—Of the funds authorized to be appropriated by the National Nuclear Security Administration Act for Fiscal Year 2023 for the National Nuclear Security Administration for advanced manufacturing development, the Administrator for Nuclear Security shall use the funds to maintain and enhance the engineering and manufacturing capabilities at such facility.

(b) NUCLEAR WEAPONS PRODUCTION FACILITIES.—In this section, the term ‘‘nuclear weapons production facility’’ means any of the following:
(1) The Kansas City National Security Campus, Kansas City, Missouri, and any related satellite location.
(3) The Pantex Plant, Amarillo, Texas.
(4) The Savannah River Site, Aiken, South Carolina.

Subtitle D—Other Matters

Title XXXII—Defense Nuclear Facilities Safety Board

SEC. 3201. AUTHORIZATION.
There are authorized to be appropriated for fiscal years 2023, 2024, and 2025, $40,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 41 of title 42, United States Code.

SEC. 3202. DELEGATION OF AUTHORITY TO CHAIRPERSON OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.
Section 311 of the Atomic Energy Act of 1954 (42 U.S.C. 2286) is amended by striking subsection (e) and inserting the following new subsection (e):

"(e) QUORUM.—
"(1) IN GENERAL.—Three members of the Board shall constitute a quorum, but a lesser number may constitute a quorum.
"(2) DELegation of AUTHORITY.—
"(A) IN GENERAL.—Upon a loss of quorum due to vacancy or incapacity of a member of the Board, the authorities of the Board under sections 313, 314, and 315 shall be delegated to the Chairperson.
"(B) TERMINATION of DeLEGATION.—Any delegation of authority under subparagraph (A) shall terminate upon re-establishment of a quorum.

Subtitle E—Energy Defense Act

SEC. 3131. REPEAL OF OBLIGATED PROVISIONS OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD ACT AND OTHER PROVISIONS.
(a) REPEAL OF PROVISIONS OF THE ATOMIC ENERGY DEFENSE ACT.
(1) As authorized by the Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended—
"(A) in title XLI—
"(i) in subsection A, by striking section 4215; and
"(ii) in subsection B, by striking section 4225; and
"(B) in title XLIII—
"(i) in subsection A, by striking section 4403; and
"(ii) in subsection C, by striking sections 4441, 4445, and 4446; and
"(iii) in subsection D, by striking section 4454.

(b) CEREMONIAL AMENDMENTS.—The title of contents for the Atomic Energy Defense Act is amended by striking the items relating to the Atomic Energy Defense Act only with the approval of such member.

(c) THIS TITLE MAY BE CITED as the "Maritime Administration Authorization Act for Fiscal Year 2023-2026."
Program under chapter 534 of title 46, United States Code, and the Cable Security Program under chapter 532 of title 46, United States Code, currently meet the economic and national security needs of the United States and would reliably continue to meet those needs under future economic or national security emergencies.

(b) Unfunded research and development: In carrying out the study, the federally funded research and development center shall solicit input from—

(1) relevant Federal departments and agencies;
(2) nongovernmental organizations;
(3) United States companies; and
(4) international organizations;

(c) ELEMENTS OF THE STUDY.—The study conducted under subsection (a) shall include consultation with the Department of Transportation, the Department of Defense, the Department of Homeland Security, the National Oceanic and Atmospheric Administration, and other relevant Federal agencies, in the identification and evaluation of—

(1) including regulatory changes, needed to continue to meet the shipbuilding and ship maintenance needs of the United States for commercial and national security purposes, including through a review of—

(A) the loans and guarantees program carried out under chapter 537 of title 46, United States Code, and how the development of new offshore commercial industries, such as wind, could be supported through modification of—

(B) the number of mariners needed for the maritime workforce, in-
(2) by adding at the end the following:

the Secretary of Transportation, in consultation with the Secretary of the Department of Homeland Security, the Department of Defense, the Transportation, and other relevant Federal agencies, in the identifi-
cation and evaluation of—

(c) in paragraph (1), by striking the period at the end and inserting “; and”—

(1) relevant Federal departments and agencies;
(2) nongovernmental organizations;
(3) United States companies; and
(4) international organizations;

(d) IMPLEMENTATION PLAN.—Not later than 6 months after the date of receipt of the study conducted under subsection (a), the Secretary of Transportation, in consultation with the Secretary of the Department of Transportation and the Secretary of the Department of Defense, shall submit to the Committee on Commerce, Science, and Transportation of the Senate a national maritime strategy, and the Secretary of Transportation, in consultation with the Secretary of the Department of Commerce, the Secretary of the Department of Defense, the Secretary of the Department of Homeland Security, the National Oceanic and Atmospheric Administration, the Maritime Administration, the United States Coast Guard, and the United States Maritime Administration, shall establish a national maritime strategy publicly available on the website of the Department of Transportation.

(e) in paragraph (3), by adding at the end the following:

“(D) in the event a waiver referred to in paragraph (1) is not issued, publish an expla-
nation for not issuing such waiver on the Internet Web site of the Department of Transportation not later than 48 hours after notice of such determination is provided to the Committee on Transportation and the Secretary of Transportation, including applicable findings to support the determina-
tion.”

Subtitle C—Maritime Infrastructure

SEC. 3521. MARINE HIGHWAYS.

(a) SHORT TITLE.—This section may be cited as the “Marine Highway Promotion Act.”
(b) FINDINGS.—Congress finds the fol-
lowing:

(1) Our Nation’s waterways are an integral part of the transportation network of the United States.
(2) Using the Nation’s coastal, inland, and Great Lakes waterways can support commercial transportation, can provide maritime trans-
portation options where no alternative surface transportation exists, and alleviates surface transportation congestion and bur-
densome road and bridge repair costs.
(3) Marine highways are serviced by docu-
mented United States flag vessels and not by United States citizens, providing added resources for national security and to aid in times of crisis.
(4) According to the United States Army Corps of Engineers, inland navigation is a key element of economics development and is essential in maintaining economic competitiveness and national security.
(c) MARITIME INFRASTRUCTURE PROGRAM.—

(1) PROGRAM.—

(1) ESTABLISHMENT.—The Maritime Ad-
miralty and Commerce Secretary shall establish a Marine High-
way Program to be known as the ‘United States Marine Highway Program’. Under
shall coordinate with the National Oceanic and Atmospheric Administration or component of a marine highway service, or enter into contracts or cooperative agreements with, or modification.

whether to make the requested designation or modification.

the Maritime Administrator makes the determination whether to make the requested designation or modification.

The Maritime Administrator may require, including—

(a) a map showing the location of marine highway routes; and

the Maritime Administrator shall provide feedback to the eligible entity that submitted the pre-proposal to encourage or disseminate guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

not later than 90 days after the date of the application.

such program, the Maritime Administrator shall—

(A) coordinate with ports, State departments of transportation, localities, other public entities, and the private sector on the development of landside facilities and infrastructure to support marine highway transportation;

(B) conduct research on solutions to impediments to marine highway services eligible for assistance under subsection (c)(1).

(1) AUTHORITY.—The Maritime Administrator may designate or modify a marine highway route as an extension of the surface transportation system if—

(A) such a designation or modification is requested by—

(i) the government of a State or territory;

(ii) a metropolitan planning organization;

(iii) a port authority;

(iv) a non-Federal navigation district; or

(v) a Tribal government; and

(B) the Maritime Administrator determines such marine highway route satisfies at least one covered function under subsection (d).

(2) DETERMINATION.—Not later than 180 days after the date on which the Maritime Administrator receives a request for designation or modification of a marine highway route under paragraph (1), the Maritime Administrator shall make a determination of whether to make the requested designation or modification.

(3) NOTIFICATION.—Not later than 14 days after the date on which the Maritime Administrator makes a determination under paragraph (2), the Maritime Administrator shall send the requestor a notification of the determination.

(4) MAP.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2022, and thereafter each time a marine highway route is designated or modified, the Administrator shall make publicly available a map showing the location of marine highway routes, including such routes along the coasts, in the inland waterways, and at sea.

(B) COORDINATION.—The Administrator shall coordinate with the National Oceanic and Atmospheric Administration to incorporate the map into the Marine Cadastre.

(C) ASSISTANCE FOR MARINE HIGHWAY SERVICES.—

(I) the regions to be served by the marine highway service;

(ii) the marine highway route that the service will use, which may include connection to existing or planned transportation infrastructure and intermodal facilities, key navigational factors such as available draft, channel width, bridge air draft, or lock clearance, and any foreseeable impacts on navigation or commerce, and a map of the proposed route;

(iii) the marine highway service support, which may include business affiliations, private sector stakeholders, State departments of transportation, metropolitan planning organizations, municipalities, or other governmental entities (including Tribal governments), as applicable;

(iv) the estimated volume of passengers, if applicable, or cargo using the service, and predicted changes in such volume during the 5-year period following the date of the application;

(v) the need for the service;

(vi) the definition of the success goal for the service, such as volumes of cargo or passengers, and any intermediate steps on the route, transit times, vessel types, and service frequency; and

(vii) any existing programs or arrangements that can be used to supplement or leverage assistance under the program; and

(viii) a demonstration, to the satisfaction of the Maritime Administrator, that—

(I) the marine highway service is financially viable;

(II) the funds or other assistance provided under this subsection will be spent or used efficiently and effectively; and

(III) a market exists for the services of the proposed marine highway service, as evidenced by contracts or written statements of intent from potential customers.

(2) ELIGIBLE ENTITY.—In this subsection, the term ‘eligible entity’ means—

(A) a State, a political subdivision of a State, or a political unit of local government;

(B) a United States metropolitan planning organization;

(C) a United States port authority;

(D) a Tribal government in the United States; or

(E) a United States private sector operator of marine highway services or private sector entities; or

(A) establishes the criteria, guidelines, and processes for mitigation, safety, reduced vehicle access, and local economic development.

(B) receives a request for designation and delineation of marine highway (I) marine highway transportation services;

(ii) a non-Federal navigation district; or

 strife.

(II) the marine highway route that the service will use, which may include connection to existing or planned transportation infrastructure and intermodal facilities, key navigational factors such as available draft, channel width, bridge air draft, or lock clearance, and any foreseeable impacts on navigation or commerce, and a map of the proposed route;

(iii) the marine highway service support, which may include business affiliations, private sector stakeholders, State departments of transportation, metropolitan planning organizations, municipalities, or other governmental entities (including Tribal governments), as applicable;

(iv) the estimated volume of passengers, if applicable, or cargo using the service, and predicted changes in such volume during the 5-year period following the date of the application;

(v) the need for the service;

(vi) the definition of the success goal for the service, such as volumes of cargo or passengers, and any intermediate steps on the route, transit times, vessel types, and service frequency; and

(vii) any existing programs or arrangements that can be used to supplement or leverage assistance under the program; and

(viii) a demonstration, to the satisfaction of the Maritime Administrator, that—

(I) the marine highway service is financially viable;

(II) the funds or other assistance provided under this subsection will be spent or used efficiently and effectively; and

(III) a market exists for the services of the proposed marine highway service, as evidenced by contracts or written statements of intent from potential customers.

(2) ELIGIBLE ENTITY.—In this subsection, the term ‘eligible entity’ means—

(A) a State, a political subdivision of a State, or a political unit of local government;

(B) a United States metropolitan planning organization;

(C) a United States port authority;

(D) a Tribal government in the United States; or

(E) a United States private sector operator of marine highway services or private sector entities; or

(A) establishes the criteria, guidelines, and processes for mitigation, safety, reduced vehicle access, and local economic development.

(B) receives a request for designation and delineation of marine highway (I) marine highway transportation services;

(ii) a non-Federal navigation district; or

 strife.

(II) the marine highway route that the service will use, which may include connection to existing or planned transportation infrastructure and intermodal facilities, key navigational factors such as available draft, channel width, bridge air draft, or lock clearance, and any foreseeable impacts on navigation or commerce, and a map of the proposed route;

(iii) the marine highway service support, which may include business affiliations, private sector stakeholders, State departments of transportation, metropolitan planning organizations, municipalities, or other governmental entities (including Tribal governments), as applicable;

(iv) the estimated volume of passengers, if applicable, or cargo using the service, and predicted changes in such volume during the 5-year period following the date of the application;

(v) the need for the service;

(vi) the definition of the success goal for the service, such as volumes of cargo or passengers, and any intermediate steps on the route, transit times, vessel types, and service frequency; and

(vii) any existing programs or arrangements that can be used to supplement or leverage assistance under the program; and

(viii) a demonstration, to the satisfaction of the Maritime Administrator, that—

(I) the marine highway service is financially viable;

(II) the funds or other assistance provided under this subsection will be spent or used efficiently and effectively; and

(III) a market exists for the services of the proposed marine highway service, as evidenced by contracts or written statements of intent from potential customers.

(2) ELIGIBLE ENTITY.—In this subsection, the term ‘eligible entity’ means—

(A) a State, a political subdivision of a State, or a political unit of local government;

(B) a United States metropolitan planning organization;

(C) a United States port authority;

(D) a Tribal government in the United States; or

(E) a United States private sector operator of marine highway services or private sector entities; or

(A) establishes the criteria, guidelines, and processes for mitigation, safety, reduced vehicle access, and local economic development.

(B) receives a request for designation and delineation of marine highway (I) marine highway transportation services;

(ii) a non-Federal navigation district; or

 strife.

(II) the marine highway route that the service will use, which may include connection to existing or planned transportation infrastructure and intermodal facilities, key navigational factors such as available draft, channel width, bridge air draft, or lock clearance, and any foreseeable impacts on navigation or commerce, and a map of the proposed route;

(iii) the marine highway service support, which may include business affiliations, private sector stakeholders, State departments of transportation, metropolitan planning organizations, municipalities, or other governmental entities (including Tribal governments), as applicable;

(iv) the estimated volume of passengers, if applicable, or cargo using the service, and predicted changes in such volume during the 5-year period following the date of the application;

(v) the need for the service;

(vi) the definition of the success goal for the service, such as volumes of cargo or passengers, and any intermediate steps on the route, transit times, vessel types, and service frequency; and

(vii) any existing programs or arrangements that can be used to supplement or leverage assistance under the program; and

(viii) a demonstration, to the satisfaction of the Maritime Administrator, that—

(I) the marine highway service is financially viable;

(II) the funds or other assistance provided under this subsection will be spent or used efficiently and effectively; and

(III) a market exists for the services of the proposed marine highway service, as evidenced by contracts or written statements of intent from potential customers.
“(c) the recipient of such funds has authority to implement the proposed marine highway service.

(d) COVERED FUNCTIONS.—A covered function under this subsection is one of the following:

(1) Promotion of marine highway transportation.

(2) Provision of a coordinated and capable alternative to landside transportation.

(3) Mitigation or relief of landside congestion.

(e) PROHIBITED USES.—Funds awarded under this section may not be used to—

(1) raise sunken vessels, construct buildings or facilities, acquire real land unless such activities are necessary for the establishment or operation of a marine highway service implemented using grant funds subject to a contract or cooperative agreement entered into under subsection (c); or

(2) improve port or land-based infrastructure outside the United States.

(f) GEOGRAPHIC DISTRIBUTION.—In making grants, contracts, and cooperative agreements under this section the Maritime Administrator shall take such measures so as to ensure an equitable geographic distribution of funds.

(g) AUDITS AND EXAMINATIONS.—All recipients (including recipients of grants, contracts, and cooperative agreements) under this section shall maintain such records as the Maritime Administrator may require and make such records available for review and audit by the Maritime Administrator.

(2) RULES.—

(a) FINAL RULE.—Not later than 1 year after the date of enactment of this title, the Secretary of Transportation shall prescribe such final rules as are necessary to carry out the amendments made by this subsection.

(b) INTERIM RULES.—The Secretary of Transportation may prescribe temporary interim rules necessary to carry out the amendments made by this subsection.

For this purpose, the Maritime Administrator, in prescribing rules under this subparagraph, is excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code, prior to the effective date of the interim rules. All interim rules prescribed under the authority of this subparagraph shall be final, and remain in effect until such time as the interim rules are superseded by a final rule, following notice and comment.

(C) REPORT.—The requirements under section 55601 of title 46, United States Code, as amended by this subsection, shall take effect only after the interim rule described in subparagraph (B) is promulgated by the Secretary.

(d) MULTISTATE, STATE, AND REGIONAL TRANSPORTATION PLANNING.—Chapter 556 of title 46, United States Code, is amended by inserting after section 55602 the following:

SEC. 55603. MULTISTATE, STATE, AND REGIONAL TRANSPORTATION PLANNING.

(a) IN GENERAL.—The Maritime Administrator, in consultation with the heads of other appropriate Federal departments and agencies, State and local governments, and appropriate private sector entities, may develop strategies to encourage the use of marine highway transportation for the transportation of passengers and cargo.

(b) STRATEGIES.—If the Maritime Administrator develops the strategies described in subsection (a), the Maritime Administrator may—

(1) assess the extent to which States and local governments include marine highway transportation and other marine transportation solutions for regions and inter-state transport of freight and passengers in transportation planning; and

(2) encourage State departments of transportation to develop strategies, where appropriate, to incorporate marine highway transportation, ferries, and other marine transportation solutions for regional and inter-state transport of freight and passengers in transportation planning; and

(3) encourage groups of States and multistate transportation entities to determine how marine highway transportation can address congestion, bottlenecks, and other interstate transportation challenges, including the lack of alternative surface transportation options.

(e) RESEARCH ON MARINE HIGHWAY TRANSPORTATION.—Section 55604 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (4) through (6), respectively; and

(2) by inserting before paragraph (4), as redesignated by paragraph (1), the following new paragraphs:

(1) the economic importance of marine highway transportation to the United States economy;

(2) the importance of marine highway transportation to rural areas, including the lack of alternative surface transportation options;

(3) United States regions and territories, and within-region areas, that do not yet have marine highway services underway, but that could benefit from the establishment of marine highways;

(f) DEFINITIONS.—Section 55605 of title 46, United States Code, is amended to read as follows:

§ 55605. Definitions

‘‘In this chapter—

‘‘(1) the term ‘marine highway transportation’ means the carriage by a documented vessel of cargo (including such cargo as passenger carage and passengers), and such cargo—

(A) is—

(i) contained in intermodal cargo containers and loaded by crane on the vessel;

(ii) loaded on the vessel by means of wheeled technology, including roll-on roll-off cargo;

(iii) shipped in discrete units or packages that are handled individually, palletized, or unitized for purposes of transportation;

(iv) bulk liquid or bulk solid cargo loaded in tanks, holds, hoppers, or on deck; or

(v) freight vehicles carried aboard commuter ferry boats; and

(B) is—

(i) loaded at a port in the United States and unloaded either at another port in the United States or at a port in Canada or Mexico;

(ii) loaded at a port in Canada or Mexico and unloaded at a port in the United States;

(ii) the term ‘intermodal’ describes a planned or contemplated new service, or expansion of an existing service, on a marine highway route, that seeks to provide new modal choices to shippers, offer more desirable transportation services and reduce transportation costs, or provide public benefits;

(3) the term ‘maritime highway service’ means a route on commercially navigable coastal, inland, or intracoastal waters of the United States, including connections between the United States and a port in Canada or Alaska, as designated by the Secretary of the Treasury under section 3523 of title 46, United States Code; or

(4) the term ‘Tribal Government’ means the recognized governing body of any Indian tribe, band, nation, pueblo, village, or consortium of tribes, bands, nations, pueblos, or villages, as defined under section 3524 of title 46, United States Code; or

(5) the term ‘Alaska Native Corporation’ has the meaning given the term ‘Alaska Native’ in the Alaska Native Claims Settlement Act (43 U.S.C. 1602).’’;

(g) Technical Amendments.—

(1) the amendments by the Maritime Administrator to chapter 556 of title 46, United States Code, as amended by this title, are hereby made applicable to chapter 556 of title 46, United States Code, as amended by this title;

(B) by striking the item relating to section 55502 and inserting the following:

‘‘55502. Multistate, State, and regional transportation planning.

(2) by striking the item relating to section 55503 and inserting the following:

‘‘55503. Definitions.

(3) by striking the item relating to section 55504; and

SEC. 3522. GAO REVIEW OF EFFORTS TO SUPPORT AND GROW THE UNITED STATES MARINE TRIBES AND DISASTER RESILIENCY.

Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that examines United States Government efforts to promote the growth and modernization of the United States maritime industry, and the vessels and operations defined in section 55601 of title 46, United States Code, including the overall efficacy of United States Government financial support and policies, including the Capital Construction Fund, Construction Reserve Fund, and other eligible loan, grant, or other programs.

SEC. 3523. GAO REVIEW OF FEDERAL EFFORTS TO ENHANCE PORT INFRASTRUCTURE RESILIENCY AND DISASTER PREPAREDNESS.

Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, that examines Federal efforts to assist ports in enhancing their capacity and the resiliency of their key intermodal connectors to weather-related disasters. The report shall include consideration of the following:

(1) Actions being undertaken at various ports to better identify critical land-side connectors that may be vulnerable to disruption in the event of a natural disaster, including how to communicate such information during a disaster when communications systems may be compromised, and the level of Federal involvement in such efforts.

(2) The extent to which the Department of Transportation and other Federal agencies are working in line with recent recommendations from key resiliency reports, including the Intermodal Surface Transportation Efficiency Act of 2016, the America COMPETES Act, and the Infrastructure of the House of Representatives, that examines Federal efforts to ensure the Department of Transportation and other Federal agencies are working in line with recent recommendations from key resiliency reports, including the Intermodal Surface Transportation Efficiency Act of 2016, the America COMPETES Act, and the Infrastructure of the House of Representatives.

(3) The extent to which the Department of Transportation or other Federal agencies have provided funds to ports for resiliency-related projects.

(4) The extent to which Federal agencies have a coordinated approach to helping ports...
and the multiple State, local, Tribal, and private stakeholders involved, to improve resiliency prior to weather-related disasters.

SEC. 3524. STUDY ON FOREIGN INVESTMENT IN STRATEGIC SEAPORTS.

(a) STUDY.—Subject to appropriateness, the Under Secretary of Commerce for International Trade (referred to in this section as "the Under Secretary") in coordination with Maritime Administration, the Federal Maritime Commission, and other relevant agencies shall conduct an assessment of whether State, Tribal, and foreign state-owned enterprises and other financial infrastructure or benefits provided by foreign states that control more than 5 percent of the world merchant fleet to entities or individuals building, owning, chartering, operating, or financing vessels not documented under the laws of the United States are engaged in foreign commerce.

(b) REPORT.—Not later than 1 year after the date of enactment of this section, the Under Secretary shall submit to the appropriate committees of Congress, as defined in section 3538, a report on the assessment conducted under subsection (a), including—

(1) the amount, in United States dollars, of such support provided by a foreign state described in subsection (a) to—

(A) the shipping industry of each country as a whole; and

(B) the shipping industry as a percent of gross domestic product of each country; and

(c) each ship on average, by ship type for cargo, tanker, and container vessels;

(2) the amount, in United States dollars, of such support provided by a foreign state described in subsection (a) to the shipping industry of another foreign state, including favorable financial arrangements for ship construction;

(3) the description of the shipping industry activities of state-owned enterprises of a foreign state described in subsection (a); and

(4) a description of the type of support provided by a foreign state described in subsection (a), including tax relief, direct payment, indirect support of state-controlled financial entities, or other such support, as determined by the Under Secretary; and

(5) a description of how the subsidies provided by a foreign state described in subsection (a) may be disadvantaging the commerce or trade between foreign States, its territories or possessions, or the District of Columbia, and a foreign country; and (C) commerce or trade between foreign countries;

(2) FOREIGN STATE.—The term "foreign state" means—

(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and

(B) commerce or trade between foreign countries; or

(C) commerce or trade within a foreign country.

(3) SHIPPING INDUSTRY.—The term "shipping industry" means the construction, ownership, chartering, operation, or financing of vessels engaged in foreign commerce.

SEC. 3525. REPORT REGARDING ALTERNATE MARITIME BUNKERING FACILITIES AT PORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Maritime Administrator shall report on the necessary port-related infrastructure needed to support bunkering facilities for liquefied natural gas, hydrogen, ammonia, or other new marine fuels under development.

(b) CONTENTS.—The report described in subsection (a) shall include—

(1) information about the existing United States infrastructure, in particular the stor- age, delivery, and transport systems and infrastructure to support bunkering facilities for liquefied natural gas, hydrogen, ammonia, or other new marine fuels under development;

(2) a review of the needed upgrades to United States infrastructure, including stor- age facilities, bunkering vessels, and trans- port systems, to support bunkering facilities for liquefied natural gas, hydrogen, ammno- nia, or other new marine fuels under development;

(3) an assessment of the estimated Govern- ment investment in this infrastructure and the duration of that investment; and

(4) in consultation with relevant Federal agencies, information on the relevant Fed- eral agencies that would oversee the permit- ting and construction of bunkering facilities for liquefied natural gas, hydrogen, ammonia, or other new marine fuels as well as the Federal funding grants or formula programs that could be used for such marine fuels.

SEC. 3526. STUDY OF CYBERSECURITY AND NATIONAL SECURITY THREATS POSED BY FOREIGN MANUFACTURED CRANES AT UNITED STATES PORTS.

The Administrator of the Maritime Administration shall—

(1) conduct a study, in consultation with the Secretary of Homeland Security, the Secretary of Defense, the Secretary of the Navy, the Cybersecurity and Infrastructure Security Agency, to assess whether there are cybersecurity or national security threats posed by foreign manufactured cranes at United States ports;

(2) submit, not later than 1 year after the date of enactment of this title, an unclassi- fied report on the study described in para- graph (1) to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Transportation and Infra- structure, the Committee on Appropriations, and the Committee on Armed Services of the House of Representatives; and

(3) if determined necessary by the Admin- istrator, in consultation with the Secretary of Homeland Secu- rity, or the Secretary Defense, submit a classi- fied report on the study described in para- graph (1) to the committees described in paragraph (2).

SEC. 3527. PROJECT SELECTION CRITERIA FOR PORT INFRASTRUCTURE DEVELOP- MENT PROGRAM.

Section 4303(a)(6) of title 46, United States Code, is amended by adding at the end the following:

"(C) CONSIDERATIONS FOR NONCONTINUOUS STATES AND TERRITORIES. In considering the criteria under subparagraphs (A)(ii) and (B)(ii) for selecting a project described in paragraph (3), in the case the proposed location of the contiguous State or territory, the Secretary may take into ac- count the geographic isolation of the State or territory and the economic dependence of the States or territory on the proposed project."

SEC. 3528. INFRASTRUCTURE IMPROVEMENTS IDENTIFIED IN THE REPORT ON STRATEGIC SEAPORTS.

Section 4303(a)(6) of title 46, United States Code, is amended by adding at the end the following: "(D) INFRASTRUCTURE IMPROVEMENTS IDENTIFIED IN THE REPORT ON STRATEGIC SEAPORTS.—In selecting projects described in paragraph (3), the Secretary shall—

(1) consider the geographic isolation and economic dependence of the States or territory on the proposed project; and

(2) determine whether the project is consistent with the strategic seaport identified in the report on strategic seaports required by section 3515 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1865) that would improve the commercial operations of those seaports, or the Department of Commerce has determined that with respect to such seaports, there is an adequate supply of trained United States citizen mariners sufficient to meet the operational requirements of low and zero emission vessels. Implementation of this strategy shall aim to increase the supply of trained United States citizen mariners sufficient to meet the needs of the maritime industry and ensure continued training in training for mariners serving on conven- tional fuel vessels.

SEC. 3529. IMPROVING PROTECTIONS FOR MIDSHIPMAN ACT.

(a) SHORT TITLE.—This section may be cited as the "Improving Protections for Mid- shipmen Act."

(b) SUSPENSION OR REVOCATION OF MERCHANT MARINER CREDENTIALS FOR PERPETRATORS OF SEXUAL HARASSMENT OR SEXUAL ASSAULT.

(1) IN GENERAL.—Chapter 77 of title 46, United States Code, is amended by inserting after section 7704 the following:

"7704a. Sexual harassment or sexual assault as grounds for suspension or revocation

(a) SEXUAL HARASSMENT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner's document, has been convicted of a sexual assault, certificate of registry, or merchant mariner's document shall be suspended or revoked."
(b) SEXUAL ASSAULT.—If it is shown at a hearing under this chapter that a holder of a license, certificate, or other registration, or a merchant marine mariner's document issued under this part, within 20 years before the beginning of the suspension or revocation proceedings, is the subject of a substantiated claim of sexual assault, the certificate, certificate of registry, or merchant marine mariner's document shall be revoked.

(c) SUBSTANTIATED CLAIM.—(1) IN GENERAL.—The term ‘substantiated claim’ means—

(A) a legal proceeding or agency action in any administrative proceeding that determines that committed sexual assault or sexual assault in violation of any Federal, State, local, or Tribal law or regulation and for which all appeals have been exhausted, as applicable; or

(B) a determination after an investigation by the Coast Guard that it is more likely than not the individual committed sexual harassment or sexual assault as defined in subsection (d), if the determination affords appropriate due process rights to the subject of the investigation.

(2) ADDITIONAL REVIEW.—A license, certificate of registry, or merchant mariner's document shall not be suspended or revoked under subsection (a) or (b) unless the substantiated claim is reviewed and affirmed in accordance with the applicable definition in subsection (d), by an administrative law judge at the same suspension or revocation hearing or in a hearing under section 7704 the following:

(A) Conduct that—

(i) involves unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature, when—

(I) submission to such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay, or career;

(II) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person;

(III) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment; or

(IV) conduct may have been by a person's supervisor, a supervisor in another area, a co-worker, or another credentialed mariner; and

(ii) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

(B) Any use or conveyance, by any person in supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a subordinate.

(C) Any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature by any fellow employee of the complainant.

(2) SEXUAL ASSAULT.—The term 'sexual assault' means any form of abuse or contact as defined in chapter 199A of title 18.

(e) REGULATIONS.—The Secretary of the Coast Guard in which the Coast Guard is operating may issue further regulations as necessary to update the definitions in this section, consistent with descriptions of sexual harassment and sexual assault addressed in titles 10 and title 18 to implement this section.

(f) CLERICAL AMENDMENT.—The chapter analysis of ? chapter 77 of title 46, United States Code, is amended by adding after the item relating to section 7704 the following:

‘7704a. Sexual harassment or sexual assault as grounds for suspension or revocation.

(d) SUPPORTING THE UNITED STATES MERCHANT MARINE ACADEMY.—

(1) IN GENERAL.—? Chapter 513 of title 46, United States Code, is amended by adding at the end the following:

51325. Sexual assault and sexual harassment prevention information management system.

(a) INFORMATION MANAGEMENT SYSTEM.—

(1) IN GENERAL.—Not later than January 1, 2023, the Maritime Administrator shall establish an information management system to track, record, and analyze data about incidents that patterns can be reasonably identified, information regarding claims and incidents involving cadets that are reportable pursuant to subsection (d) of section 513B of this chapter.

(2) INFORMATION MAINTAINED IN THE SYSTEM.—Information maintained in the system shall include the following information, to the extent that information is available:

(A) The overall number of sexual assault or sexual harassment incidents per fiscal year.

(B) The location of each such incident, including vessel name and the name of the company operating the vessel, if applicable.

(C) The names and ranks of the individuals involved in each such incident.

(D) The general nature of each such incident, to include copies of any associated reports completed on the incident.

(E) The type of inquiry made into each such incident.

(F) A determination as to whether each such incident is substantiated.

(G) Any informal and formal accountability measures taken for misconduct related to the incident, including decisions on whether to prosecute the case.

(3) PAST INFORMATION INCLUDED.—The information management system under this section shall include the relevant data listed in this subsection related to sexual assault and sexual harassment that the Maritime Administrator possesses, and shall not be limited to data collected after January 1, 2023.

(4) PRIVACY PROTECTIONS.—The Maritime Administrator and the Department of Transportation Chief Information Officer shall establish and maintain an information management system under this section shall be established and maintained in a secure fashion to ensure the protection of the privacy of any individuals whose information is entered in such system.

(5) CYBERSECURITY AUDIT.—Ninety days after the establishment of the information management system, the Office of Inspector General of the Department of Transportation shall commence an audit of the cybersecurity of the system to verify that the system complies with applicable Federal, State, local, or Tribal law or regulation, in the areas of sexual harassment, dating violence, domestic violence, sexual assault, and stalking.

(6) CORRECTING RECORDS.—In establishing the information management system, the Secretary shall provide a process for individuals to request that the Secretary take steps to ensure that if any incident report results in a final agency action or final judgment that acquires an individual of wrongfulness, the Secretary shall notify the person about the acquitted individual is removed from that incident report in the system.

(b) SEA YEAR PROGRAM.—The Maritime Administrator shall establish an exit interview program in section 51325(b), as appropriate.

(7) As used in this section—

(1) SEXUAL ASSAULT.—The term ‘sexual assault’ means—

(A) Conduct that—

(i) involves the commission of a sexual assault or sexual abuse as defined in this section.

(ii) is by a person who is a co-worker, or another credentialed mariner; and

(iii) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

(2) SPECIAL IMPACT OF SEXUAL ASSAULT.—A sexual assault that is committed while a cadet is engaged in a program at a marine institution, or while on a ship, for midshipmen from the Academy upon completion of Sea Year or other training opportunities; and

(3) SEATTLE.—The Advisory Board shall—

(i) identify health and wellbeing, diversity, and sexual assault and harassment challenges and other topics considered important by the Advisory Board facing midshipmen at the Merchant Marine Academy, off campus, and while aboard ships during Sea Year or other training opportunities;

(ii) discuss and propose possible solutions, including improvements to culture and leadership development at the Merchant Marine Academy; and

(iii) periodically review the efficacy of the program in section 51325(b), as appropriate, and provide recommendations to the Maritime Administrator for improvement.

(c) APPOINTMENT.—The Advisory Board may establish one or more working groups to assist the Advisory Board in carrying out its duties, including working groups established pursuant to subsection (a) and through the exit interviews under subsection (b) shall be affirmatively referenced and used to inform the creation of new policy or regulation, or changes to any existing policy or regulation, that includes responding to the results of its duties, including recommendations in section 51325(c). Such reports and briefings may be provided in writing, in person, or both.
§51327. Sexual Assault Advisory Council

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Sexual Assault Advisory Council (hereafter in this section referred to as the Council). (b) MEMBERSHIP.—(1) IN GENERAL.—The Council shall be composed of not fewer than 8 and not more than 15 individuals selected by the Secretary of Transportation from among midshipmen who have graduated within the last 5 years or current midshipmen of the United States Merchant Marine Academy (including midshipmen or alumni who were victims of sexual assault), to the maximum extent practicable, and midshipmen or alumni who were not victims of sexual assault) and governmental and nongovernmental experts and professionals in the sexual assault field. 

(2) EXPERTS INCLUDED.—The Council shall include—

(A) not less than 1 member who is licensed in the field of mental health and has prior experience working as a counselor or therapist providing mental health care to survivors of sexual assault in a victim services agency or organization; and

(B) not less than 1 member who has prior experience developing or implementing sexual assault response and prevention, and response policies in an academic setting.

(c) DUTIES; AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Council shall meet not less often than semiannually to—

(A) review—

(i) the policies on sexual harassment, dating violence, domestic violence, sexual assault, and stalking under section 53138 of this title;

(ii) the trends and patterns of data contained in the system described under section 51325 of this title; and

(iii) related matters the Council views as appropriate; and

(B) develop recommendations designed to ensure that such policies and such matters conform, to the extent practicable, to best practices in the field of sexual assault and sexual harassment as prevention and response.

(2) AUTHORIZED ACTIVITIES.—To carry out this subsection, the Council may—

(A) conduct case reviews, as appropriate and only with the consent of the victim of sexual assault or harassment;

(B) invite current and former midshipmen of the United States Merchant Marine Academy (to the extent that such midshipmen provide the Department of Transportation express consent to be interviewed by the Council); and

(C) review—

(i) exit interviews under section 53126(b) and surveys under section 53122(d); and

(ii) data collected from restricted reporting; and

(iii) any other information necessary to conduct such case reviews.

(d) PERSONALLY IDENTIFIABLE INFORMATION.—In carrying out this subsection, the Council shall comply with the obligations of the Department by reasonable means to protect personally identifiable information.

(2) EXPERTS INCLUDED.—(1) IN GENERAL.—The Council shall not be considered employees of the United States Government for any purpose and shall not receive compensation for their services under subsection (a) of section 51325 of title 46, United States Code, and per diem allowance in accordance with section 5703 of title 5.

(e) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

§51328. Student support

"The Maritime Administrator shall—

(1) conduct an annual survey of midshipmen, which excludes personally identifiable information, of the Academy assessing the inclusiveness of the environment of the Academy; and

(2) require an annual survey of faculty and staff of the Academy assessing the inclusiveness of the environment of the Academy program.

"(B) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—(1) STUDENT SUPPORT.—Not later than 30 days after the date of enactment of this section, the Maritime Administrator shall provide Congress with a report on the resources necessary to properly implement the student support plan for the United States Merchant Marine Academy, as added by this section.

(2) CONFORMING AMENDMENTS.—The chapter analysis for ? 513 of title 46, United States Code, is amended by adding at the end the following:

51325. Sexual assault and sexual harassment prevention information management system.

51326. Student advisory board at the United States Merchant Marine Academy.

51327. Sexual assault and sexual harassment prevention information management system.

51328. Student support.

51329. United States merchant marine academy student support plan.

(a) STUDENT SUPPORT PLAN.—Not later than January 1, 2023, the Maritime Administrator shall issue a Student Support Plan for the United States Merchant Marine Academy, in consultation with relevant mental health professionals in the Federal Government or experienced with the maritime industry or related industries. Such plan shall—

(A) address mental health resources available to midshipmen, both on-campus and during Sea Year;

(B) establish a tracking system for suicidal ideation and suicide attempts of midshipmen, which excludes personally identifiable information;

(C) create a system for midshipmen to obtain assistance from a professional care provider virtually; and

(D) require an annual survey of faculty and staff assessing the adequacy of mental health resources for midshipmen of the Academy, both on campus and during Sea Year.

(b) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of this section, the Maritime Administrator shall provide Congress with a report on the resources necessary to properly implement this subsection.

(c) SPECIAL VICTIMS ADVISOR.—

(1) IN GENERAL.—The Secretary shall designate an attorney (to be known as the ‘Special Victims Advisor’) for the purpose of providing legal assistance to any cadet of the Academy who is the victim of an alleged sexual related offense regarding administrative and criminal proceedings related to such offense, regardless of whether the report of such offense is restricted or unrestricted.

(2) AUTHORIZED ACTIVITIES.—The Secretary shall ensure that the attorney designated as the Special Victims Advisor has knowledge of the Uniform Code of Military Justice, as well as criminal and civil law.

(3) PRIVILEGED COMMUNICATIONS.—Any communications between a victim of an alleged sex-related offense and the Special Victims Advisor, when acquired in capacity as such, shall have the same protection that applicable law provides for confidential attorney-client communications.

(4) EMPLOYEE STATUS.—Members of the Special Victims Advisor’s office, carrying out the duties and responsibilities under this section, shall be considered employees of the Federal Government for all purposes.

(5) EMPLOYEE STATUS.—Not later than one year after the date of enactment of this section, the Commandant of the Coast Guard, in coordination with the Maritime Administrator, shall conduct an assessment of the feasibility of the Secretary consulting with national consortia of responsible entities to establish a program for the United States Merchant Marine Academy and United States Merchant Marine Academy students that is implemented by the Department of Defense using the information management system required under subsection (a) of section 51325 of title 46, United States Code.

(6) EMPLOYEE STATUS.—Not later than 30 days after the date of enactment of this section, the Maritime Administrator shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.
(B) in paragraph (3), by adding at the end the following:

“(C) REPLACEMENT.—If a member of the Board is replaced, not later than 60 days after the date of the replacement, the Designated Federal Officer selected under subsection (g)(2) shall notify that member;”;

(2) in subsection (d), in paragraph (1), by inserting “and 2 additional meetings, which may be held in person or virtually” after “Academy”;

(b) by adding at the end the following:

“(3) SCHEDULING.—When scheduling a meeting of the Board, the Designated Federal Officer shall coordinate, to the greatest extent practicable, with the members of the Board to determine the date and time of the meeting. Members of the Board shall be notified of the date of each meeting not later than 30 days prior to the meeting date;”;

(3) in subsection (e), by adding at the end the following:

“(4) STAFF.—One or more staff of each member of the Board may accompany them on Academy visits.”

(5) SCHEDULING—NOTIFICATION.—When scheduling a meeting to the Academy, the Designated Federal Officer shall coordinate, to the greatest extent practicable, with the members of the Board to determine the date and time of the visit. Members of the Board shall be notified of the date of each visit not less than 30 days prior to the visit date;”;

(4) in subsection (b),

(A) by inserting “and ranking member” after “chairman” each place the term appears; and

(B) by adding at the end the following:

“Such staff may attend meetings and may visit the Academy.”.

SEC. 3536. MARITIME TECHNICAL ADVANCEMENT ACT.

(a) SHORT TITLE.—This section may be cited as the “Maritime Technical Advancement Act of 2022.”

(b) CENTERS OF EXCELLENCE FOR DOMESTIC MARITIME WORKFORCE.—Section 5106 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “of title”; and

(b) by adding at the end the following:

“(b) by adding at the end the following:

(2) in subsection (b), in the subsection heading, by striking “ASSISTANCE” and inserting “SELECTION AGREEMENTS”;

(3) by redesignating subsection (c) as subsection (d);

(4) in subsection (d), as redesignated by paragraph (2), by adding at the end the following:

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation;”;

and

(b) by inserting after subsection (b) the following:

“(c) GRANT PROGRAM.—

“(1) DEFINITIONS.—In this subsection:

“(A) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Maritime Administration.

“(B) ELIGIBLE INSTITUTION.—The term ‘eligible institution’ means an institution that has a demonstrated record of success in training and—

“(i) a postsecondary educational institution (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2902)) that offers a 2-year program of study or a 1-year program of training;

“(ii) a postsecondary vocational institution (as defined under section 106(c) of the Higher Education Act of 1965 (20 U.S.C. 1022(c));

“(iii) a public or private nonprofit entity that conducts one or more structured experiential learning training programs for American workers in the United States maritime industry, including a program that is offered by a labor organization or conducted in partnership with a nonprofit organization or 1 or more employers in the maritime industry; or

“(iv) an entity sponsoring a registered apprenticeship program.

“(C) REGISTERED APPRENTICESHIP PROGRAM.—The term ‘registered apprenticeship program’ means an apprenticeship program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (commonly known as the ‘National Apprenticeship Act’; 50 Stat. 664, chapter 491, subpart C).

“(D) UNITED STATES MARITIME INDUSTRY.—The term ‘United States maritime industry’ means all segments of the maritime-related transportation system of the United States, both in domestic and foreign trade, and in coastal, offshore, and inland waters, as well as non-commercial maritime activities, such as pleasure boating and marine sciences (including all scientific research vessels), and all of the industries that support or depend upon such uses, including—

“(i) vessel construction and repair;

“(ii) vessel design and engineering;

“(iii) ship logistics supply;

“(iv) shipyard operations;

“(v) port intermodal operations;

“(vi) terminal operations;

“(vii) vessel design;

“(viii) marine brokerage;

“(ix) marine insurance;

“(x) marine insurance;

“(xi) maritime research;

“(xii) maritime-oriented supply chain operations;

“(xiii) offshore wind construction, operation, and maintenance;

“(xiv) ship repair and maintenance;

“(xv) shipyar;

“(xvi) maritime-oriented research and development.

“(2) GRANT AUTHORIZATION.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Maritime Technical Advancement Act of 2022, the Administrator shall award maritime career training grants to eligible institutions for the purpose of developing, offering, or improving educational or career training programs for American workers related to the maritime workforce.

“(B) TIMING OF GRANT NOTICE.—The Administrator shall post a Notice of Funding Opportunity on the Department of Labor’s Inspector General’s website and, at the time of the Notice of Funding Opportunity, publish and maintain such guidelines on the website of the Maritime Administration.

“(C) LIMITATIONS.—The Administrator may not award grants under this subsection in an amount that is more than $12,000,000.

“(4) REQUIRED INFORMATION.—

“(A) IN GENERAL.—An eligible institution that desires to receive a grant under this subsection shall submit to the Administrator a grant proposal that includes a detailed description of—

“(i) the specific project for which the grant proposal is submitted, including the manner in which the grant will be used to develop, offer, or improve an educational or career training program that is suited to maritime industry workers;

“(ii) the extent to which the project for which the grant proposal is submitted will meet the training needs of maritime workers in the community served by the eligible institution, particularly any individuals with a barrier to employment;

“(iii) the extent to which the project for which the grant proposal is submitted fits with overall strategic plans developed by an eligible community; and

“(iv) any previous experience of the eligible institution in providing maritime education or career training programs.

“(B) COMMUNITY OUTREACH REQUIRED.—In order to be considered by the Administrator, a grant proposal submitted by an eligible institution under this subsection shall—

“(i) demonstrate that the eligible institution—

“(I) reached out to employers to identify—

“(x) any shortcomings in existing maritime educational or career training programs to workers eligible for training; and

“(ii) include a detailed description of—

“(I) any previous experience of the outreach conducted under clause (i); and

“(II) the extent to which the project for which the grant proposal is submitted will contribute to meeting any shortcomings identified under clause (i)(aa); and

“(iii) any best practices that may be shared with other employers, including small- and medium-sized firms within the community, have expressed an interest in employing workers who would benefit from the project for which the grant proposal is submitted.

“(C) CRITERIA FOR AWARD OF GRANTS.—Subject to the appropriation of funds, the Administrator shall award grants under this subsection based on—

“(1) a determination of the merits of the grant proposal submitted by the eligible institution to develop, support, improve, or complete maritime educational or career training programs to be made available to workers;

“(2) an evaluation of the likely employment opportunities available to workers who complete a maritime educational or career training program that the eligible institution proposes to develop, offer, or improve;

“(3) an evaluation of any shortcomings identified under clause (1); and

“(4) any prior designation of an institution as a Center of Excellence for Domestic Maritime Workforce Training and Education; and

“(E) an evaluation of the previous experience of the eligible institution in providing maritime educational or career training programs.

“(6) COMPETITIVE AWARDS.—

“(A) IN GENERAL.—The Administrator shall award grants under this subsection to eligible institutions on a competitive basis in accordance with guidelines and requirements established by the Administrator under paragraphs (1) and (2).

“(B) TIMING OF GRANT NOTICE.—The Administrator shall post a Notice of Funding Opportunity regarding grants awarded under this subsection not more than 60 days before the date of enactment of the appropriations Act for the fiscal year concerned.
(C) TIMING OF GRANTS.—The Administrator shall award grants under this subsection not later than 270 days after the date of enactment of the appropriations Act for the fiscal year in which the grant is awarded.

(D) APPLICATION OF REQUIREMENTS.—The requirements under subparagraphs (B) and (C) shall not apply until the guidelines required under paragraph (2)(B) have been promulgated.

(E) REUSE OF UNEXPENDED GRANT FUNDS.—Notwithstanding subparagraph (C), amounts awarded under grant under this subsection that are not expended by the grantee shall remain available to the Administrator for use or grants under this subsection.

(F) USE OF FUNDS.—Not more than 3 percent of amounts made available to carry out this subsection may be used for the necessary costs of grant administration.

(7) ELIGIBLE USES OF GRANT FUNDS.—An eligible institution receiving a grant under this subsection—

(A) shall carry out activities that are identified as priorities for the purpose of developing, offering, or improving educational or career training programs for the United States maritime industry;

(B) shall provide training to upgrade the skills of the United States maritime industry workforce; and

(C) may use the grant funds to—

(i) admit additional students to maritime training programs;

(ii) develop, establish, and annually update a viable training capacity, courses, and mechanisms to rapidly upgrade skills and perform assessments of merchant mariners during time of war or a national emergency, and to increase credentials for domestic or defense needs where training can decrease the gap in the numbers of qualified mariners for sealift;

(iii) provide services to upgrade the skills of United States offshore wind marine service workers who transport, install, operate, construct, erect, repair, or maintain offshore wind components and turbines, including training, curriculum and career pathway development, training, safety and health training, and classroom training;

(iv) expand existing or create new maritime training programs, including through partnerships with and memoranda of understanding with—

(I) 4-year institutions of higher education;

(II) labor organizations;

(III) registered apprenticeship programs with the United States maritime industry; or

(IV) an entity described in subclause (I) through (III) that has a memorandum of understanding with—

(I) a paid internship; or

(II) a joint labor-management partnership;

(v) design, develop, and test an array of approaches to improve recruitment, training, or retention services, to enhance diversity, equity and inclusion in the United States maritime industry workforce; and

(vi) in consultation with employers, organized labor, other groups (such as community coalitions), and Federal, State, or local agencies, design, develop, and test various training approaches in order to determine effective practices; or

(vii) assist in the development and replication of effective service delivery strategies for the United States maritime industry as a whole.

(8) PUBLIC REPORT.—Not later than December 15 in each of the calendar years 2022 through 2027, the Administrator shall make available on a publicly available website a report and provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(A) describing each grant awarded under this subsection during the preceding fiscal year; and

(B) assessing the impact of each award of a grant under this subsection during a fiscal year preceding the fiscal year referred to in subparagraph (A) on workers receiving training; and

(C) the performance of the grant awarded with respect to the indicators of performance under section 116(b)(2)(A)(i) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3116(b)(2)(A)(i)).

(9) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $90,000,000 for each of the fiscal years 2023 through 2027.

SEC. 3537. STUDY ON CAPITAL IMPROVEMENT PROGRAM AT THE USMMA.

(f) FINDINGS.—Congress finds the following:

(1) The United States Merchant Marine Academy campus is nearly 80 years old and many of the buildings have fallen into a serious state of disrepair.

(2) Expenditures for renovation and maintenance of the off-campus buildings have exceeded the Academy's ability to renovate these buildings, and the Academy has been able toParagraph 699.

(3) How the United States Merchant Marine Academy and its academic partners have been trained to identify needed capital projects, and the possible role of the federal government in funding such projects.

(b) STUDY.—The Comptroller General shall conduct a study of the United States Merchant Marine Academy Capital Improvement Program. The study shall include an evaluation—

(1) of the actions the United States Merchant Marine Academy has taken to bring the buildings, infrastructure, and other facilities up to standards and the further actions that are required to do so;

(2) of the approach that the United States Merchant Marine Academy uses to identify the need for grants to construct, erect, repair, or maintain offshore wind components; and

(3) how the United States Merchant Marine Academy identifies and prioritizes capital construction needs, and how that priority relates to the safety, education, and wellbeing of its students.

(c) REPORT.—Not later than 18 months after the date of enactment of this section, the Comptroller General shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of the study under this section.

SEC. 3538. IMPLEMENTATION OF RECOMMENDATIONS FROM THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.

(a) INSPECTOR GENERAL AUDIT.—The Inspector General of the Department of Transportation shall—

(1) not later than 180 days after the date of enactment of this Act, initiate an audit of the Maritime Administration's actions to address recommendations described in paragraphs 4.1 through 4.3, 4.7 through 4.11, 5.1 through 5.4, 5.6, 5.7, 5.11, 5.14, 5.15, 5.16, 6.1 through 6.4, 6.6, and 6.7, identified by a National Academy of Public Administration panel in the November 2021 report entitled "Organizational Assessment of the United States Merchant Marine Academy: A Path Forward"; and

(2) release publicly a report to the appropriate committees of Congress, a report containing the results of the audit described in paragraph (1) on or before the date of enactment of the Academic Support Act of 2022.

(b) AGREEMENT FOR STUDY BY NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the National Academy of Public Administration referred to in this section as the "Academy") to provide support for—

(A) prioritizing and addressing the recommendations described in subsection (a)(1), and establishing a panel to prioritize other recommendations in the future;

(B) development of long-term processes and a timeframe for long-term process improvements, as well as corrective actions and best practice criteria that can be implemented in the medium-term and near-term;

(C) establishment of a clear assignment of responsibility for implementation of each recommendation described in subsection (a)(1), and a strategy for assigning other recommendations in the future; and

(D) performance of a system, including data collection and tracking and evaluating progress toward goals.

(2) REPORT OF PROGRESS.—Not later than 1 year after the date of enactment of this Act, the Academy shall prepare and submit a report of progress to
the Maritime Administrator, the Inspector General of the Department of Transportation, and the appropriate committees of Congress.

(C) PRIORITIZATION AND IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Maritime Administration shall prepare a prioritization and implementation plan to assess, prioritize, and address the recommendations identified by the National Academy of Public Administration in the November 2021 report entitled "Organizational Assessment of the United States Merchant Marine Academy: A Path Forward" that is not included in the Maritime Administration and not listed in subsection (a)(1).

The prioritization and implementation plan shall—

(A) make use of the strategies, processes, and systems described in subsection (b)(1);

(B) include estimated timelines and cost estimates for implementation of priority goals;

(C) include summaries of stakeholder and interagency engagement used to assess goals and timelines; and

(D) be released publicly and submitted to the Inspector General of the Department of Transportation and the appropriate committees of Congress.

(2) ANNUAL REPORT.—The Inspector General of the Department of Transportation shall—

(A) not later than 180 days after the date of publication of the prioritization and implementation plan described in paragraph (1), initiate an audit of the Maritime Administration’s actions to address the prioritization and implementation plan;

(B) monitor the Maritime Administration’s actions to implement recommendations made by the Inspector General’s audit described in paragraph (A) and in paragraphs (1) and (2) of the Maritime Administration’s implementation of National Academy of Public Administration recommendations and periodically initiate subsequent audits of the Maritime Administration’s continued actions to address the prioritization and implementation plan, as the Inspector General determines; and

(C) release publicly and submit to the Administrator of the Maritime Administration and the appropriate committees of Congress a report containing the results of the audit once the audit is completed.

(3) REPORT OF PROGRESS.—Not later than 180 days after the date of publication of the Inspector General’s annual report described in paragraph (2)(C), and annually thereafter, the Administrator of the Maritime Administration shall prepare and submit a report to the Inspector General of the Department of Transportation and the appropriate committees of Congress describing—

(A) the Maritime Administration’s planned action, timelines, and progress in taking action to implement any open or unresolved recommendations from the Inspector General’s reports described in paragraph (2) and in subsection (a); and

(B) any target action dates associated with open and unresolved recommendations from the Inspector General’s reports described in paragraph (2) and in subsection (a) which the Maritime Administration failed to meet or for which it requested an extension of time, and the reasons for which an extension was necessary.

(d) AGREEMENT FOR PLAN ON CAPITAL IMPROVEMENTS.—Not later than 90 days after the date of enactment of this title, the Maritime Administration shall enter into an agreement with a Federal construction agent to create a plan to execute capital improve-

ments at the United States Merchant Marine Academy.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘‘appropri- ate committees of Congress’’ means the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Appropriations Committees on Transportation, Housing and Urban Development, and Related Agencies of the Senate and the House of Representatives, and the Committee on Armed Services of the House of Representa-

sects.

SEC. 3539. SERVICE ACADEMY FACULTY PARITY.

Section 105 of title 17, United States Code, is amended—

(1) in the heading of subsection (b), by striking ‘‘CERTAIN OF WORK’’ and inserting ‘‘CERTAIN WORKS’’;

(2) in the first subsection (c), by striking ‘‘The Secretary of Defense may’’ and inserting ‘‘The Secretary of Defense or (or, with respect to the United States Merchant Marine Academy, the Secretary of Transportation, or, with respect to the United States Coast Guard Academy, the Secretary of Homeland Security) may’’;

(3) by redesignating the second subsection (c) as subsection (d)(2), as redesignated by paragraph (3), by adding at the end the following:—

‘‘(M) United States Merchant Marine Academy.’’;

SEC. 3540. UPDATED REQUIREMENTS FOR FISHING CREW AGREEMENTS.

Section 1060(b) of title 46, United States Code, is amended—

(1) in paragraph (2), by striking ‘‘and’’ and inserting ‘‘by’’;

(2) by redesigning paragraphs (3) and (4), as redesignated by paragraph (3), by adding at the end the following:—

‘‘(D) in paragraph (4), as redesignated by paragraph (4) of this section—

(i) by striking ‘‘academia, public, and nongovernmental entities’’; and

(ii) by striking ‘‘eligible entities’’ and inserting ‘‘eligible entities and support entities’’.

(3) by redesigning paragraph (4), as redesignated by paragraph (4) of this section—

(A) by inserting ‘‘with other Federal agencies or entities’’ after ‘‘with other Federal agencies or entities’’;

(B) by adding at the end of the following:—

‘‘(5) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘eligible entity’ means—

(1) a private entity, including a nonprofit organization;—

(2) a State, regional, or local government or entity, including special districts;—

(3) an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Educa-

tion Assistance Act (25 U.S.C. 5304)) or a consortium of Indian Tribes;—

(4) an institution of higher education as described under section 102 of the Higher Educa-

tion Act of 1965 (20 U.S.C. 1002); or

(5) a partnership or collaboration of enti-

ties described in paragraphs (1) through (3).

(6) CENTER FOR MARITIME INNOVATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2023, the Secretary of Transportation shall, through a cooperative agreement, establish a United States Center for Maritime Innovation (referred to in this subsection as the ‘‘Center’’) to support the study, research, development, assessment, and deployment of emerging marine technologies and practices related to the maritime transportation system.

(2) SELECTION.—The Center shall be—

(A) selected through a competitive process of eligible entities;
“(B) in the United States with technical expertise in emerging marine technologies and practices related to the maritime transportation system; and

“(C) to identify any significant gaps in emerging marine technologies research specific to the United States maritime industry, and seek to fill those gaps;

“(D) to support eligible entities regarding the development and use of clean energy and necessary infrastructure to support the deployment of clean energy on vessels of the United States;

“(E) to monitor and assess, on an ongoing basis, the current stage of knowledge regarding emerging marine technologies in the United States;

“(F) to identify any significant gaps in emerging marine technologies research specific to the United States maritime industry, and seek to fill those gaps;

“(G) to provide—

“(i) guidance on best available technologies;

“(ii) technical analysis;

“(iii) assistance with understanding complex regulatory requirements; and

“(iv) documentation of best practices in the maritime industry, including training and informational webinars on solutions for the maritime industry; and

“(H) to work with academic and private sector response training centers and Domestic Maritime Workforce Training and Education Centers of Excellence to develop maritime strategies applicable to various segments of the United States maritime industry, including the inland, deep water, and coastal fleets.

SEC. 3542. STUDY ON STORMWATER IMPACTS ON SALMON.

(a) In General.—Not later than 90 days after the date of enactment of this section, the Administrator of the National Oceanic and Atmospheric Administration, in concert with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, and in consultation with the Director of the United States Fish and Wildlife Service, shall commence a study that—

“(1) examines the existing science on tire-related chemicals in stormwater runoff at ports and the impacts of such chemicals on Pacific salmon and steelhead;

“(2) examines the challenges of studying tire-related chemicals in stormwater runoff at ports and the impacts of such chemicals on Pacific salmon and steelhead;

“(3) provides recommendations for improving monitoring of stormwater and research related to run-off for tire-related chemicals and the impacts of such chemicals on Pacific salmon and steelhead at ports; and

“(4) provides recommendations based on the best available science on relevant management approaches at ports under their respective jurisdictions.

(b) SUBMISSION OF STUDY.—Not later than 18 months after commencing the study under subsection (a), the Administrator of the National Oceanic and Atmospheric Administration, in concert with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall—

“(1) submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, including detailing any findings from the study; and

“(2) make such study publicly available.

(c) EXPEDITED REVIEW REQUIRED.—The Administrator of the National Oceanic and Atmospheric Administration shall expedite such review and study as required under subsection (b) and shall—

“(1) examine the existing science on tire-related chemicals in stormwater runoff at ports and the impacts of such chemicals on Pacific salmon and steelhead;

“(2) examine the challenges of studying tire-related chemicals in stormwater runoff at ports and the impacts of such chemicals on Pacific salmon and steelhead;

“(3) provide recommendations for improving monitoring of stormwater and research related to run-off for tire-related chemicals and the impacts of such chemicals on Pacific salmon and steelhead at ports; and

“(4) provide recommendations based on the best available science on relevant management approaches at ports under their respective jurisdictions.

(d) SUBMISSION OF STUDY.—Not later than 18 months after commencing the study under subsection (a), the Administrator of the National Oceanic and Atmospheric Administration, in concert with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall—

“(1) submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, including detailing any findings from the study; and

“(2) make such study publicly available.

SEC. 3543. STUDY TO EVALUATE EFFECTIVE VESSEL QUIETING MEASURES.

(a) In General.—Not later than 1 year after the date of enactment of this title, the Administrator of the Maritime Administration, in consultation with the Under Secretary for Commerce for Oceans and Atmosphere and the Secretary of the Department in which the Coast Guard is operating, shall submit to the committees identified under subsection (b), and make publicly available on the website of the Department of Transportation, a report that includes, at a minimum—

“(1) a review of technology-based controls and best management practices for reducing vessel-generated underwater noise; and

“(2) for each technology-based control and best management practice identified, an evaluation of—

“(A) the applicability of each measure to various vessel types;

“(B) the technical feasibility and economic achievability of each measure; and

“(C) the co-benefits and trade-offs of each measure.

(b) COMMITTEES.—The report under subsection (a) shall be submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

“(1) be based on merit-based selection procedures in accordance with the requirements of sections 3201 and 4024 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 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 OR WRITTEN COMMUNICATIONS.—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. 4101. PROCUREMENT

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<th>FY 2023 Request</th>
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### SEC. 4101. PROCUREMENT — SENATE

#### (In Thousands of Dollars)

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**TOTAL AIRCRAFT PROCUREMENT, ARMY** 2,849,655 2,944,996

**MISSILE PROCUREMENT, ARMY**

**SURFACE-TO-AIR MISSILE SYSTEM**

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**ANTI-TANK/ASSAULT MISSILE SYS**

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<td>LONG-RANGE HYPersonic WEAPON</td>
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**SURFACE-TO-AIR MISSILE SYSTEM**

<table>
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<td>TOW 2 SYSTEM SUMMARY</td>
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**MODIFICATIONS**

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<td>MLRS MODS</td>
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**TOTAL MISSILE PROCUREMENT, ARMY** 3,761,915 5,236,355

**PROCUREMENT OF W&T/TV, ARMY TRACKED COMBAT VEHICLES**

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<td>MOBILE PROTECTED FIREPOWER</td>
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**MODIFICATION OF TRACKED COMBAT VEHICLES**
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**AIRCRAFT PROCUREMENT, NAVY**

1. **F/A-18E/F (FIGHTER) HORNET** | 90,865 | 90,865 |
2. **JOINT STRIKE FIGHTER CV** | 1,663,515 | 1,663,515 |
3. **Joint Strike Fighter CV** | 387,596 | 387,596 |
4. **JSF STOVL** | 1,909,635 | 1,909,635 |
5. **CH-53K (HEAVY LIFT)** | 200,118 | 200,118 |
6. **USMC UFR—additional aircraft** | 1,669,986 | 1,919,986 |
7. **CH-53K (HEAVY LIFT)** | 357,824 | 357,824 |
8. **V-22 (MEDIUM LIFT)** | 31,795 | 31,795 |
9. **P-8A POSEIDON** | 31,521 | 31,521 |
10. **E-2D ADV HAWKEYE** | 842,401 | 842,401 |
11. **MULTI-ENGINE TRAINING SYSTEM (METS)** | 123,217 | 123,217 |
12. **ADVANCED HELICOPTER TRAINING SYSTEM** | 119,816 | 119,816 |
13. **UC-12W CARGO AIRCRAFT** | 0 | 55,600 |
14. **USMC UFR—Additional UC-12W cargo aircraft** | [55,600] |
15. **KC-130J** | 439,501 | 692,001 |
16. **USMC UFR—Replacement aircraft** | [525,500] |
17. **AV-8 SERIES** | 28,122 | 28,122 |
18. **MQ-4 TRITON** | 587,820 | 587,820 |
19. **MQ-4 TRITON** | 75,253 | 75,253 |
20. **STUAS/L UAV** | 2,703 | 2,703 |
21. **MQ-25** | 696,713 | 696,713 |
22. **MQ-25** | 51,463 | 51,463 |
23. **MARINE GROUP 5 UAS** | 103,882 | 143,882 |
24. **USMC UFR—MQ-9 MSAT** | [20,000] |
25. **USMC UFR—MQ-9 SETSS** | [20,000] |

**MODIFICATION OF AIRCRAFT**

26. **P-8 A-D UNIQUE** | 141,514 | 141,514 |
27. **F-18A/B/C/D MODERNIZATION AND SUSTAINM** | 572,681 | 572,681 |
28. **MARINE GROUP 5 UAS SERIES** | 86,116 | 86,116 |
29. **AEB SYSTEMS** | 25,058 | 25,058 |
30. **AV-8 SERIES** | 26,437 | 26,437 |
31. **INFRARED SEARCH AND TRACK (IRST)** | 144,699 | 144,699 |
32. **ADVERSARY** | 105,188 | 105,188 |
33. **F-18 SERIES** | 480,663 | 480,663 |
34. **H-53 SERIES** | 40,151 | 40,151 |
## SEC. 4101. PROCUREMENT

### (In Thousands of Dollars)

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### TOTAL AIRCRAFT PROCUREMENT, NAVY

16,848,428 18,459,814

### WEAPONS PROCUREMENT, NAVY

#### MODIFICATION OF MISSILES

1 TRIDENT II MODS 1,125,164 1,125,164

#### SUPPORT EQUIPMENT & FACILITIES

2 MISSILE INDUSTRIAL FACILITIES 7,767 7,767

### STRATEGIC MISSILES

3 TOMAHAWK 160,190 160,190

#### TACTICAL MISSILES

4 AMRAAM 335,900 335,900

#### STANDARD MISSILE

6 Capacity expansion—dual-source energetics 489,123 739,123

8 JASSM 58,481 58,481

9 SMALL DIAMETER BOMB II 108,517 108,517

10 RAM 92,131 92,131

11 JOINT AIR-GROUND MISSILE (JAGM) 78,395 78,395

12 HELIFIRE 6,603 6,603

13 AERIAL TARGETS 183,222 183,222

14 DRONES AND DECOYS 62,930 62,930

15 SMALL DIAMETER BOMB II 3,524 3,524

16 LRASM 226,022 339,122

Capacity expansion 35,000 35,100

Navy UFR—capacity increase 182,222 182,222

Production increase 45,000 45,000
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** PROCUREMENT OF AMMO, NAVY & MC **

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### SEC. 4101. PROCUREMENT
(\textit{In Thousands of Dollars})

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#### PROCUREMENT, MARINE CORPS

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**STRATEGIC AMMUNITION, AIR FORCE**

- **TACTICAL**
  - LONG RANGE STAND-OFF WEAPON
  - REPLAC EQUIP & WAR CONSUMABLES
  - AGM-183A AIR-LAUNCHED RAPID RESPONSE WEAPON
- **INDUSTRIAL FACILITIES**
  - INDUSTRIAL PREPAREDNESS/POWERT POL PREVENTION
  - ICBM FUZE MOD
  - MM III MODIFICATIONS
  - AIR LAUNCH CRUISE MISSILE (ALCM)
  - MISSILE SPARES AND REPAIR PARTS
  - MSL SPRS/REPAIR PARTS (INITIAL)
  - MSL SPRS/REPAIR PARTS (REPLEN)
  - SPECIAL PROGRAMS
  - CLASSIFIED PROGRAMS
    - UNDISTRIBUTED
    - Inflation effects

**TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE**

- **PROCUREMENT OF AMMUNITION, AIR FORCE**
  - ROCKETS
  - CARTRIDGES
  - BOMBS
  - GENERAL PURPOSE BOMBS
  - MASSIVE ORDNANCE PENETRATOR (MOP)
  - JOINT DIRECT ATTACK MUNITION
  - CAD/PAD
  - EXPLOSIVE ORDNANCE DISPOSAL (EOD)
  - SPARES AND REPAIR PARTS
  - FIRST DESTINATION TRANSPORTATION
  - ITEMS LESS THAN $5,000,000
  - UNDISTRIBUTED
- **FLARES**
  - EXPENDABLE COUNTERMEASURES
  - FUZES
  - SMALL ARMS
- **TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE**

**PRODUCTION INCREASE**

- **CLASS IV**
  - Realignment of funds
  - Production increase
- **CLASS III**
  - Production increase
- **CLASS II**
  - Capacity expansion
  - Production increase
- **CLASS I**
  - Production increase

**TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE**

- **SPACE PROCUREMENT**
  - SPACE PROCUREMENT, SF
  - SPACE PROCUREMENT, SPACE FORCE
    - AF SATELLITE COMM SYSTEM
    - COUNTERSPACE SYSTEMS
    - FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS
    - WIDEBAND GAPFILLER SATELLITES (SPACE)
    - GENERAL INFORMATION TECH—SPACE
    - GPS III FOLLOW ON
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### SEC. 4101. PROCUREMENT

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Title XLII—Research, Development, Test, and Evaluation

Section 4201. Research, Development, Test, and Evaluation

(In Thousands of Dollars)

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## SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

(In Thousands of Dollars)

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### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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Navy UFR—Alternative CONOPS Goalkeeper.

**SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.**

865,755 977,055

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Navy UFR—Alternative CONOPS Goalkeeper.

35 0603502N | SURFACE AND SHALLOW WATER MINE COUNTERMEASURES. | 87,825 | 87,825 |
| 36     | 0603506N       | SURFACE SHIP TORPEDO DEFENSE. | 473            | 473              |
| 37     | 0603512N       | CARRIER SYSTEMS DEVELOPMENT. | 11,567         | 11,567           |
| 38     | 0603525N       | PILOT FISH ..................... | 672,461         | 672,461          |
| 39     | 0603527N       | RETRACT LARCH .................. | 7,483           | 7,483            |
| 40     | 0603536N       | RETRACT JUNIPER ............... | 239,336         | 239,336          |
| 41     | 0603542N       | RADIOLOGICAL CONTROL .......... | 772             | 772              |
| 42     | 0603553N       | SURFACE ASW ................... | 1,180           | 1,180            |
| 43     | 0603561N       | ADVANCED SUBMARINE SYSTEM DEVELOPMENT. | 105,703 | 105,703 |
| 44     | 0603562N       | SUBMARINE TACTICAL WARFARE SYSTEMS. | 10,917 | 10,917 |
| 45     | 0603563N       | SHIP CONCEPT ADVANCED DESIGN. | 82,205         | 82,205           |
| 46     | 0603564N       | SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES. | 75,327 | 75,327 |
| 47     | 0603570N       | ADVANCED NUCLEAR POWER SYSTEMS. | 227,400         | 227,400          |
| 48     | 0603573N       | ADVANCED SURFACE MACHINERY SYSTEMS. | 176,600         | 198,200          |
-Silicon carbide power modules ....... [11,600]|
| 49     | 0603576N       | CHALK EAGLE ................... | 91,584          | 91,584           |
| 50     | 0603581N       | LITTORAL COMBAT SHIP (LCS) | 96,444 | 96,444 |
| 51     | 0603582N       | COMBAT SYSTEM INTEGRATION. | 18,236 | 18,236 |
| 52     | 0603595N       | OHIO REPLACEMENT ................ | 350,981 | 350,981 |
-Rapid realization of composites for wet submarine application. [15,000]|
<p>| 53     | 0603596N       | LCS MISSION MODULES ........... | 41,533         | 41,533           |</p>
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**SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION:** 6,606,583 6,999,683

**SUBTOTAL MANAGEMENT SUPPORT:** 1,132,670 1,132,670

**OPERATIONAL SYSTEMS DEVELOPMENT:**
### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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Submarine Launched Cruise Missile—Nuclear (SLCM-N) research.

212 0204311N INTEGRATED SURVEILLANCE SYSTEM. 68,417 82,917 [14,500]

Navy UFR—IUSS DSS DWA rapid operational development.

213 0204313N SHIP-TOWED ARRAY SURVEILLANCE SYSTEMS. 1,188 1,188

214 0204413N AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT). 1,789 1,789

215 0204460M GROUND/AIR TASK ORIENTED RADAR (G/ATOR). USMC UFR—AN/TPS–80 G/ATOR radar traffic control R&D. 61,422 85,422

216 0204571N CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT. 70,339 70,339

217 0204575N ELECTRONIC WARFARE (EW) READINESS SUPPORT. 47,436 47,436

218 0205601M ANTI-RADIATION MISSILE IMPROVEMENT. 90,779 90,779

219 0205620N SURFACE ASW COMBAT SYSTEM INTEGRATION. 28,999 28,999

220 0205632N MK–48 ADCAP | 155,868 | 155,868 |

221 0205633N AVIATION IMPROVEMENTS | 130,450 | 130,450 |

222 0205675N OPERATIONAL NUCLEAR POWER SYSTEMS. 121,439 121,439

223 0206313M MARINE CORPS COMMUNICATIONS SYSTEMS. USMC UFR—COSMOS | 5,000 |

224 0206335M COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S). 14,865 14,865

225 0206623M MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS. 100,536 100,536

226 0206624M MARINE CORPS COMBAT SERVICES SUPPORT. 26,522 26,522

227 0206625M USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP). 51,976 51,976

228 0206629M AMPHIBIOUS ASSAULT VEHICLE. 8,246 8,246

229 0207161N TACTICAL AIM MISSILES | 29,236 | 29,236 |

230 0207163N ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM). 30,898 30,898

231 0208043N PLANNING AND DECISION AID SYSTEM (PDAS). 3,609 3,609

232 0303138N AFLOAT NETWORKS | 45,693 | 45,693 |

233 0303140N INFORMATION SYSTEMS SECURITY PROGRAM. 33,752 33,752

234 0305192N MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES. 8,415 8,415

235 0305204N TACTICAL UNMANNED AERIAL VEHICLES. 10,576 10,576

236 0305206N UAS INTEGRATION AND INTEROPERABILITY. 18,373 18,373

237 0305208M DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS. 45,705 45,705

238 0305220N MQ–4C TRITON | 13,893 | 13,893 |

239 0305232M RQ–11 UAV | 1,234 | 1,234 |
## SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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**SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.**

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**SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.**

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**SUBTOTAL UNDISTRIBUTED.**

**TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.**

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**SUBTOTAL BASIC RESEARCH.**

**APPLIED RESEARCH**

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**Subtotal Advanced Component Development & Prototypes:** 7,945,238

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## SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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## SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

**OPERATIONAL SYSTEM DEVELOPMENT**

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## SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS

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## TOTAL RDTE, SPACE FORCE

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**RESEARCH, DEVELOPMENT, TEST & EVAL, DW**

### BASIC RESEARCH

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**SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT:** 4,638,401

**ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES**

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### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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### TITLE XLIII—OPERATION AND MAINTENANCE

### SEC. 4301. OPERATION AND MAINTENANCE

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## TOTAL OPERATION & MAINTENANCE, ARMY

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## OPERATION & MAINTENANCE, ARMY RES

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## OPERATION & MAINTENANCE, ARNG

### OPERATING FORCES

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### ADMIN & SRVWD ACTIVITIES

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### SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)

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### SEC. 4301. OPERATION AND MAINTENANCE

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### SEC. 4301. OPERATION AND MAINTENANCE

**In Thousands of Dollars**

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**Title XLIV—Military Personnel**

**Sec. 4401. Military Personnel**

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**Title XLV—Other Authorizations**

**Sec. 4501. Other Authorizations**

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**Title XLVI—Military Construction**

**SEC. 4601. MILITARY CONSTRUCTION**

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**NAVY**

<p>| Navy         | Australia Royal Australian Air Force Base Darwin | PDI: Aircraft Parking Apron (INC)                  | 72,446          | 72,446            |
| Navy         | California Marine Corps Air Ground Combat Twentynine Palms Camp Pendleton | Range Simulation Training &amp; Operations Fac. | 120,382         | 10,382             |
| Navy         | California Marine Corps Base Camp Pendleton      | Basilone Road Realignment                         | 85,210          | 85,210             |
| Navy         | California Marine Corps Base Camp Pendleton      | Child Development Center                           | 0               | 32,100             |
| Navy         | California Marine Corps Recruit Depot San Diego | Recruit Barracks                                  | 0               | 83,200             |
| Navy         | Naval Air Station Lemoore Annex                  | F-35C Aircraft Maint. Hangar &amp; Airfield Pave      | 201,261         | 41,261             |
| Navy         | Naval Base Point Loma Annex                     | Child Development Center                           | 56,450          | 56,450             |
| Navy         | Naval Base San Diego Floating Dock Mooring Facility | 0                                      | 9,000           |
| Navy         | Naval Base San Diego Pier 6 Replacement (INC)    | 15,565                                          | 15,565          |
| Navy         | Naval Surface Warfare Center Corona Division     | Data Science Analytics and Innovation (P&amp;D)       | 0               | 2,845              |
| Navy         | Naval Surface Warfare Center Corona Division Connecticut | Performance Assessment Communications Laboratory | 0               | 15,000             |
| Navy         | Naval Submarine Base New London                 | Relocate Underwater Electromagnetic Measure      | 15,514          | 15,514             |</p>
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<tr>
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<th>Senate Authorized</th>
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## S6250

### CONGRESSIONAL RECORD — SENATE

**October 11, 2022**

### SEC. 4601. MILITARY CONSTRUCTION

#### (In Thousands of Dollars)

<table>
<thead>
<tr>
<th>Account</th>
<th>State/Country and Installation</th>
<th>Project Title</th>
<th>FY 2023 Request</th>
<th>Senate Authorized</th>
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### AIR FORCE

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<td>Commercial Vehicle Inspection Gate</td>
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Subtotal Military Construction, Air Force ........................................... 2,055,456 3,748,419

**DEFENSE-WIDE**

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Subtotal Military Construction, Defense-Wide .................................................................. 2,416,398 2,735,074

**ARMY NATIONAL GUARD**

- **Alaska**
  - Army National Guard
    - Joint Base Elmendorf-Richardson
      - Aircraft Maintenance Hangar ................................................. 0 63,000

- **Arkansas**
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### SEC. 4601. MILITARY CONSTRUCTION

#### (In Thousands of Dollars)

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Subtotal Military Construction, Navy Reserve & Marine Corps Reserve .......................................................... 30,337 108,610

AIR NATIONAL GUARD

Alabama
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Subtotal Military Construction, Air National Guard ........................................ 148,883 361,519

AIR FORCE RESERVE

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Subtotal Military Construction, Air Force Reserve ......................................... 23,623 109,434

NATO SECURITY INVESTMENT PROGRAM

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**Subtotal Family Housing Operation And Maintenance, Army** ................................................ 436,411 448,514

**FAMILY HOUSING CONSTRUCTION, NAVY & MARINE CORPS**

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**Subtotal Family Housing Construction, Navy & Marine Corps** ................................................ 337,297 347,134

**FAMILY HOUSING O&M, NAVY & MARINE CORPS**

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Subtotal Family Housing Operation & Maintenance, Navy & Marine Corps ........................................ 368,224 376,888

**FAMILY HOUSING CONSTRUCTION, AIR FORCE**

| Fam Hsg Con, Air Force      | Delaware                                      | MHPI Restructure                                 | 25,492          | 25,492            |
| Fam Hsg Con, Air Force      | Florida                                       | AETC Restructuring                               | 150,685         | 150,685           |
| Fam Hsg Con, Air Force      | Illinois                                      | MHPI Restructure                                 | 52,003          | 52,003            |
| Fam Hsg Con, Air Force      | Japan                                         | Family Housing North Terrance Improvement, Phase 2 (4 Units). | 0 | 3,800 |
| Fam Hsg Con, Air Force      | Maryland                                      | MHPI Equity Contribution CMSSF House             | 1,878           | 1,878             |
| Fam Hsg Con, Air Force      | Worldwide Unspecified                         | Planning & Design                                | 2,730           | 17,730            |
| Fam Hsg Con, Air Force      | Unspecified Worldwide Locations              | Furnishings                                      | 27,379          | 27,379            |
| Fam Hsg Con, Air Force      | Unspecified Worldwide Locations              | Housing Privatization                             | 33,517          | 33,517            |
| Fam Hsg Con, Air Force      | Unspecified Worldwide Locations              | Leasing                                          | 7,882           | 7,882             |
| Fam Hsg Con, Air Force      | Unspecified Worldwide Locations              | Maintenance                                      | 150,375         | 150,375           |
| Fam Hsg Con, Air Force      | Unspecified Worldwide Locations              | Management                                       | 77,042          | 77,042            |

Subtotal Family Housing Construction, Air Force ........................................ 232,788 258,032

**FAMILY HOUSING O&M, AIR FORCE**

<p>| Fam Hsg O&amp;M, Air Force      | Worldwide Unspecified                         | Furnishings                                      | 27,379          | 27,379            |
| Fam Hsg O&amp;M, Air Force      | Unspecified Worldwide Locations              | Housing Privatization                             | 33,517          | 33,517            |
| Fam Hsg O&amp;M, Air Force      | Unspecified Worldwide Locations              | Leasing                                          | 7,882           | 7,882             |
| Fam Hsg O&amp;M, Air Force      | Unspecified Worldwide Locations              | Maintenance                                      | 150,375         | 150,375           |
| Fam Hsg O&amp;M, Air Force      | Unspecified Worldwide Locations              | Management                                       | 77,042          | 77,042            |</p>
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Subtotal Family Housing Operation And Maintenance, Air Force ........................................ 355,222 363,528

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Subtotal Family Housing Improvement Fund ............................................................................ 6,442 6,626

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**TOTAL FAMILY HOUSING** ...................................................................................................... 1,956,330 2,302,599

DEFENSE BASE REALIGNMENT AND CLOSURE
### SEC. 4601. MILITARY CONSTRUCTION

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### TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

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Total, Adjustments ........................................................................ –123,048 –123,048

Total, Defense Nuclear Nonproliferation ........................................ 2,346,257 2,331,257

Naval Reactors
Nuclear reactors development ......................................................... 798,590 798,590
Columbia-Class reactor systems development .................................. 53,900 53,900
S&G Prototype refueling ................................................................. 20,000 20,000
Nuclear reactors operations and infrastructure ................................. 695,165 695,165
Program direction ........................................................................... 58,525 58,525
Construction:
  22–D–533 BL Component Test Complex ........................................ 57,420 57,420
  14–D–901, Spent Fuel Handling Recapitalization Project, NRF 397,845 397,845
Total, Construction ........................................................................ 455,265 455,265
Total, Naval Reactors ...................................................................... 2,081,445 2,081,445

Federal Salaries and Expenses
Program direction ........................................................................... 513,200 513,200
Use of prior year balances .............................................................. –16,800 –16,800
Total, Federal Salaries and Expenses ............................................... 496,400 496,400

TOTAL, National Nuclear Security Administration ......................... 21,510,796 21,999,400

Defense Environmental Cleanup
Closure sites administration ........................................................... 4,067 4,067
Richland
  River corridor and other cleanup operations ................................. 135,000 135,000
  Central plateau remediation ......................................................... 650,240 650,240
  Richland community and regulatory support ................................. 10,013 10,013
  18–D–401 Modification of Waste Encapsulation and Storage Facility 3,100 3,100
  22–D–401 L–888, 400 Area Fire Station .......................................... 3,100 3,100
  22–D–402 L–897, 200 Area Water Treatment Facility .................... 8,900 8,900
  23–D–401 181D Export Water System Reconfiguration and Upgrade 6,770 6,770
  23–D–405 181B Export Water System Reconfiguration and Upgrade 480 480
Total, Richland .............................................................................. 817,603 817,603

Office of River Protection:
  Waste Treatment Immobilization Plant Commissioning .................. 462,700 462,700
  Rad liquid tank waste stabilization and disposition ......................... 801,100 811,100
  Program increase ...................................................................... (1,000)
Construction
  23–D–403 Hanford 200 West Area Tank Farms Risk Management Project 4,408 4,408
  01–D–16D, High-level waste facility ............................................ 316,200 316,200
  01–D–16E, Pretreatment Facility .................................................. 20,000 20,000
Subtotal, Construction .................................................................. 340,608 340,608
Total, Office of River Protection ..................................................... 1,604,408 1,614,408

Idaho National Laboratory:
  Idaho cleanup and waste disposition ........................................... 350,658 350,658
  Idaho community and regulatory support ....................................... 2,705 2,705
Construction
  22–D–403 Idaho Spent Nuclear Fuel Staging Facility ...................... 8,000 8,000
  22–D–404 Addl ICDF Landfill Disposal Cell and Evaporation Ponds Project 8,000 8,000
  22–D–402 Calcine Construction ................................................... 10,000 10,000
Subtotal, Construction .................................................................. 26,000 26,000
Total, Idaho National Laboratory .................................................... 379,363 379,363

NNSA sites and Nevada off-sites
Lawrence Livermore National Laboratory ........................................ 1,842 1,842
LLNL Excess Facilities D&D ......................................................... 12,004 22,004
  Program increase ...................................................................... (1,000)
Separations Processing Research Unit ............................................ 15,300 15,300
Nevada Test Site ............................................................................ 62,652 62,652
Sandia National Laboratory ........................................................... 4,003 4,003
Los Alamos National Laboratory ................................................... 286,316 286,316
Los Alamos Excess Facilities D&D ................................................ 40,519 40,519
Total, NNSA sites and Nevada off-sites ........................................... 422,636 432,636

Oak Ridge Reservation:
  OR Nuclear Facility D&D .......................................................... 334,221 339,221
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<td>Subtotal, Construction</td>
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<td>Radioactive liquid tank waste stabilization</td>
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SEC. 5201. REPORT ON DEFENSE ADVANCED MANUFACTURING CAPABILITIES.

(a) Required report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report on identifying, evaluating, and developing the capabilities of Federal Government research and development facilities to produce materials and processes related to future Air Force assets. The report submitted under subsection (a) shall include the following:

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) The use of such a contract is consistent with the Commandant of the Marine Corps' projective force structure requirements for amphibious ships;

(2) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the certifying official shall include a description of the cost savings associated with such property or materials; and

(3) The estimated cost savings or increase through the use of a contract authorized under subsection (a) are realistic.

(c) Certification required.—A contract may not be entered into under subsection (a) unless the Secretary of the Navy certifies to the congressional defense committees, in writing, not later than 30 days before entry into the contract, each of the following, which shall be prepared by the milestone decision authority for such programs:

(1) The use of such a contract is consistent with the Commandant of the Marine Corps' projected force structure requirements for amphibious ships;

(2) The use of such a contract is consistent with the Commandant of the Marine Corps' projective force structure requirements for amphibious ships;

(3) The use of such a contract is consistent with the Commandant of the Marine Corps' projective force structure requirements for amphibious ships;

(4) The feasibility of the Air Force leveraging the Manufacturing Demonstration Facility of the Department of Energy and the National Laboratories of the Department in order to achieve these results.

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

(6) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the certifying official shall include a description of the cost savings associated with such property or materials; and

(7) The estimated cost savings or increase through the use of a contract authorized under subsection (a) are realistic.

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

(9) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the certifying official shall include a description of the cost savings associated with such property or materials; and

(10) The estimated cost savings or increase through the use of a contract authorized under subsection (a) are realistic.

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

(12) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the certifying official shall include a description of the cost savings associated with such property or materials; and

(13) The estimated cost savings or increase through the use of a contract authorized under subsection (a) are realistic.

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

(15) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the certifying official shall include a description of the cost savings associated with such property or materials; and

(16) The estimated cost savings or increase through the use of a contract authorized under subsection (a) are realistic.

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

(18) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the certifying official shall include a description of the cost savings associated with such property or materials; and

(19) The estimated cost savings or increase through the use of a contract authorized under subsection (a) are realistic.

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

(21) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the certifying official shall include a description of the cost savings associated with such property or materials; and

(22) The estimated cost savings or increase through the use of a contract authorized under subsection (a) are realistic.

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

(24) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the certifying official shall include a description of the cost savings associated with such property or materials; and

(25) The estimated cost savings or increase through the use of a contract authorized under subsection (a) are realistic.

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

(27) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the certifying official shall include a description of the cost savings associated with such property or materials; and

(28) The estimated cost savings or increase through the use of a contract authorized under subsection (a) are realistic.

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

(30) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the certifying official shall include a description of the cost savings associated with such property or materials; and

(31) The estimated cost savings or increase through the use of a contract authorized under subsection (a) are realistic.

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

(33) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the certifying official shall include a description of the cost savings associated with such property or materials; and

(34) The estimated cost savings or increase through the use of a contract authorized under subsection (a) are realistic.

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

(36) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the certifying official shall include a description of the cost savings associated with such property or materials; and

(37) The estimated cost savings or increase through the use of a contract authorized under subsection (a) are realistic.

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

(39) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the certifying official shall include a description of the cost savings associated with such property or materials; and

(40) The estimated cost savings or increase through the use of a contract authorized under subsection (a) are realistic.

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

(42) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the certifying official shall include a description of the cost savings associated with such property or materials; and

(43) The estimated cost savings or increase through the use of a contract authorized under subsection (a) are realistic.

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

(45) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the certifying official shall include a description of the cost savings associated with such property or materials; and

(46) The estimated cost savings or increase through the use of a contract authorized under subsection (a) are realistic.

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

(48) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the certifying official shall include a description of the cost savings associated with such property or materials; and

(49) The estimated cost savings or increase through the use of a contract authorized under subsection (a) are realistic.

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

(51) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the certifying official shall include a description of the cost savings associated with such property or materials; and

(52) The estimated cost savings or increase through the use of a contract authorized under subsection (a) are realistic.

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

(54) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings, the certifying official shall include a description of the cost savings associated with such property or materials; and

(55) The estimated cost savings or increase through the use of a contract authorized under subsection (a) are realistic.
TITLE LV—MILITARY PERSONNEL POLICY

SEC. 5501. ADVICE AND CONSENT REQUIREMENT FOR WAIVERS OF MANDATORY RETIREMENT FOR SUPERINTENDENT OF THE ACADEMY AND SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 7321(b) of title 10, United States Code, as amended by adding at the end the following: "In the event a waiver under this subsection is granted, the subsequent nomination and appointment of such officer having served as Superintendent of the Academy to a further assignment in lieu of retirement shall be subject to the advice and consent of the Senate.

(b) UNITED STATES NAVAL ACADEMY.—Section 8371(b) of title 10, United States Code, is amended by adding at the end the following: "In the event a waiver under this subsection is granted, the subsequent nomination and appointment of such officer having served as Superintendent of the Academy to a further assignment in lieu of retirement shall be subject to the advice and consent of the Senate.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9321(b) of title 10, United States Code, is amended by adding at the end the following: "In the event a waiver under this subsection is granted, the subsequent nomination and appointment of such officer having served as Superintendent of the Academy to a further assignment in lieu of retirement shall be subject to the advice and consent of the Senate.

SEC. 5502. STUDY ON IMPROVEMENT OF ACCESS TO VOTING FOR MEMBERS OF THE ARMED FORCES OVERSEAS.

(a) STUDY REQUIREMENT.—The Director of the Federal Voting Assistance Program of the Department of Defense shall conduct a study on means of improving access to voting for members of the Armed Forces overseas.

(b) REPORT.—Not later than September 30, 2024, the Director shall submit to Congress a report on the results of the study conducted under subsection (a). The report shall include the following:

(1) The results of a survey, undertaken for purposes of the study, of Voting Assistance Officers and members of the Armed Forces overseas on means of improving access to voting for such members, including through the establishment of unit-level assistance mechanisms or permanent voting assistance offices.

(2) An estimate of the costs and requirements in connection with an expansion of the number of Voting Assistance Officers in order to fully meet the needs of members of the Armed Forces overseas for access to voting.

(3) A description and assessment of various actions to be undertaken under the Federal Voting Assistance Program in order to increase the capabilities of the Voting Assistance Officers.

SEC. 5503. RECOGNITION OF MILITARY OLYMPIC COMPETITION.

(a) WEAR OF OLYMPIC MEDALS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall direct each military department to review its respective uniform and insignia policies and, where applicable, add references to Olympic and Paralympic medals.

(b) REPORT ON THE ESTABLISHMENT OF RIBBON.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall report on the feasibility and cost of establishing a service ribbon to be awarded to members of the Armed Forces who have competed in an Olympic or Paralympic athlete on Team USA to designate that competition. The ribbon considered by the Secretary may be called the "Olympic Competition Ribbon":

(2) incorporate the colors of the Olympic rings;

(3) not have an accompanying medal;

(4) have authorized appurtenances to be affixed to the ribbon.

(b) LOCATION OF FACILITIES.—The Secretary shall ensure that facilities established under subsection (a) are geographically located to facilitate aeromedical evacuation of casualties from military operational theaters.

(c) TIMELINE FOR ESTABLISHMENT.—

(1) DESIGNATION.—Not later than October 1, 2021, the Secretary shall designate four Military Treatment Facilities to be established under subsection (a).

(2) OPERATIONAL.—Not later than October 1, 2022, the Secretary shall ensure that the facilities designated under paragraph (1) are fully staffed and operational.

(d) PERSONNEL ASSIGNMENT.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that the Secretaries of the military departments assign military personnel to Core Casualty Receiving Facilities established under subsection (a) at not less than 90 percent of the staffing level needed to maintain operating bed capacities to support operation planning requirements.

(2) USE OF CIVILIAN PERSONNEL.—The Secretary of Defense may augment the staffing of military personnel at Core Casualty Receiving Facilities established under subsection (a) with civilian staff as determined by the Secretary in order to achieve the required staffing.

(e) FUNDING.—The Secretary shall include in the budget submission to Congress by the President of the annual budget of the Department of Defense for a fiscal year under section 1105(a) of title 31, United States Code, a line item budget request for each Core Casualty Receiving Facility established under subsection (a) that includes the funding requirements for the operation and maintenance of each such facility.

(f) DEFINITIONS.—In this section:

(1) CORE CASUALTY RECEIVING FACILITIES.—The term "Core Casualty Receiving Facilities" means Core Covid-19 treatment facilities that serve as the medical hubs for the Medical Treatment Field and staffed by the full range of preventative, curative, acute, convalescent, restorative, and rehabilitative care.

TITLe LVII—HEALTH CARE PROVISIONS

SEC. 5701. ESTABLISHMENT OF CORE CASUALTY RECEIVING FACILITIES TO IMPROVE MEDICAL FORCE GENERATION AND READINESS.

(a) IN GENERAL.—Pursuant to the requirements of this section, the Secretary of Defense shall establish certain military medical treatment facilities as Core Casualty Receiving Facilities to maintain and improve the medical capability and capacity required to diagnose, treat, and rehabilitate large volume combat casualties and to provide a medical response to natural disasters, mass casualty events, or other national emergencies as may be directed by the President or the Secretary.

(b) AUTHORITY.—Amounts authorized to be appropriated by this Act may, to the extent...
and in such amounts as specifically provided in advance in appropriations Acts for the purposes detailed in this section, be used to modify the terms and conditions of a contract option without consideration to provide an economic price adjustment consistent with sections 16.203-1 and 16.203-2 of the Federal Acquisition Regulation during the relevant period of performance for that contract or option and as specified in section 16.203-3 of the Federal Acquisition Regulation.

(b) GUIDANCE.—Not later than 30 days after the date of the enactment of an Act providing appropriations pursuant to this section, the Secretary of Defense may provide a waiver on a contract or option if the Secretary determines that an agency may waive the authority under this section.

Subtitle E—Other Matters

SEC. 5871. PROHIBITION ON CERTAIN SEMICONDUCTOR PRODUCTS AND SERVICES.

(a) IN GENERAL.—Section 899 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 41 U.S.C. 3901 note prec.) is amended—

(1) the implementation of the amendments made by subsection (a), including any challenges in the implementation; and

(2) the effectiveness and utility of the waiver authority under subsection (d) of such section 899.

Subtitle F—American Security Drone Act of 2022

SEC. 5881. SHORT TITLE. This subtitle may be cited as the “American Security Drone Act of 2022.”

SEC. 5882. DEFINITIONS. In this subtitle:

(1) COVERED FOREIGN ENTITY.—The term “covered foreign entity” means an entity included on a list developed and maintained by the Secretary of Commerce.

(2) COVERED SEMICONDUCTOR PRODUCT OR SERVICES.—The term “covered semiconductor product or services” means any of the following:

(A) A product that incorporates a semiconductor product or services produced or by, or any service provided by, Semiconductor Manufacturing International Corporation (SMIC), ChangXin Memory Technologies (CXTM), or Yangtze Memory Technologies Corp. (YMTC) (or any subsidiary, affiliate, or successor of such entities).

(B) Semiconductor products or services produced or provided by an entity that is currently or in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.”.

(c) EFFECTIVE DATE AND APPLICABILITY. The provisions amended by subsection (a) shall take effect three years after the date of the enactment of this Act.

(d) OFFICE OF MANAGEMENT AND BUDGET REPORT AND BRIEFING.—Not later than 270 days after the effective date described in subsection (b)(2), the Director of the Office of Management and Budget, in consultation with the Secretary of Defense and the Director of National Intelligence, and the Director of the National Cyber Director, shall provide to the Majority Leader and Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the appropriate congressional committees (as defined in section 889(f) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 41 U.S.C. 3901 note prec.). a report and briefing on—

(1) the implementation of the amendments made by subsection (a), including any challenges in the implementation; and

(2) the effectiveness and utility of the waiver authority under subsection (d) of such section 899.

(2) in subsection (c) if the Secretary determines that the waiver is in the national security interests of the United States; and

(3) in subsection (d) if the Secretary determines that the procurement is required in the national interest of the United States and—

(A) an entity included on the Consolidated Screening List.

(B) Any subsidiary or affiliate of an entity described in subparagraphs (A) through (D).

(C) A covered semiconductor product or services produced or provided by an entity that is currently or in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(D) Any entity domiciled in the People’s Republic of China or subject to influence or control by the Government of the People’s Republic of China or the Communist Party of the People’s Republic of China is determined by the Secretary of Homeland Security.

(E) Any subsidiary or affiliate of an entity described in subparagraphs (A) through (D).

SEC. 5883. PROHIBITION ON PROCUREMENT OF COVERED SEMICONDUCTOR PRODUCTS OR SERVICES.

(a) IN GENERAL.—Except as provided under subsections (b) through (f), the head of an executive agency may not acquire any covered semiconductor product or service produced or assembled by a covered foreign entity.

(b) SEMICONDUCTOR PRODUCTS OR SERVICES.—The term “covered semiconductor product or service” means any of the following:

(1) A product that incorporates a semiconductor product or services produced or by, or any service provided by, Semiconductor Manufacturing International Corporation (SMIC), ChangXin Memory Technologies (CXTM), or Yangtze Memory Technologies Corp. (YMTC) (or any subsidiary, affiliate, or successor of such entities).

(2) Semiconductor products or services produced or provided by an entity that is currently or in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

SEC. 5884. PROHIBITION ON OPERATION OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) PROHIBITION.—In general. (1) In general.—Beginning on the date that is two years after the date of the enactment of this Act, no Federal department or agency may operate a covered unmanned aircraft system manufactured or assembled by a covered foreign entity.

(b) Exemption.—The Secretary of Homeland Security may issue an exception to the prohibition under subsection (a) if the Secretary determines that an agency may operate a covered unmanned aircraft system manufactured or assembled by a covered foreign entity that is for the sole purpose of conducting safety investigations.

(c) APPLICATION TO CONTRACTED SERVICES.—The prohibition under subsection (a) does not apply to any covered unmanned aircraft system that is being used by another executive agency through the method of contracting for the services of covered unmanned aircraft systems.

(d) DEFINITIONS.—In this section—

(1) is the meaning given the term “unmanned aircraft system” for purposes of title 10, United States Code.

(2) is the meaning given the term “unmanned aircraft system” for purposes of title 49, United States Code.

(3) UNMANNED AIRCRAFT SYSTEM.—The term “unmanned aircraft system” has the meaning given the term “unmanned aircraft system” in section 44801 of title 49, United States Code.

(4) ELECTRICAL OR ELECTRONIC COMPONENTS.—The term “electrical or electronic component” has the meaning given the term “electrical or electronic component” in title 14, United States Code.

SEC. 5885. PROHIBITION ON USE OF COVERED UNMANNED AIRCRAFT SYSTEMS.

(a) PROHIBITION.—In general. (1) In general.—Beginning on the date that is two years after the date of enactment of this Act, no Federal department or agency may operate a covered unmanned aircraft system manufactured or assembled by a covered foreign entity.

(b) Exemption.—The Secretary of Homeland Security may issue an exception to the prohibition under subsection (a) if the Secretary determines that an agency may operate a covered unmanned aircraft system manufactured or assembled by a covered foreign entity that is for the sole purpose of conducting safety investigations.
is for the sole purposes of conducting counterterrorism or counterintelligence activities, protective missions, or Federal criminal or national security investigations, including examinations, operations, or development of an unmanned aircraft system or counter-unmanned aircraft system technology.

(3) is an unmanned aircraft system that, as procured or as modified after procurement but before operational use, can no longer transfer to, or download data from, a covered foreign entity and otherwise poses no national security cybersecurity risks as determined by the exempting official.

(c) TRANSPORTATION AND FEDERAL AVIATION ADMINISTRATION EXEMPTION.—The Secretary of Transportation is exempt from the restriction under subsection (a) if the operation or procurement is deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, as determined by the Secretary or the Secretary’s designee.

(d) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the procurement is necessary for the purpose of meeting NOAA’s science or management objectives.

(e) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) in the case of an approved, or to the extent practicable, shall be based on industry standards and technical guidance from the National Institute of Standards and Technology, to address the risks associated with processing, storing, and transmitting Federal information in an unmanned aircraft system;

(2) to an unmanned aircraft system.

(f) REGULATIONS AND GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General shall prescribe regulations or guidance to implement this section.

SEC. 5885. PROHIBITION ON USE OF FEDERAL FUNDS IN PURCHASES AND OPERATION OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) In General.—Beginning on the date that is two years after the date of the enactment of this Act, except as provided in subsection (b), no Federal funds awarded through a contract, or cooperative agreement, or otherwise made available may be used—

(1) to purchase a covered unmanned aircraft system that is manufactured or assembled by a covered foreign entity; or

(2) in connection with the operation of such a covered unmanned aircraft system.

(b) Exemption.—The Secretary of Homeland Security, the Secretary of Defense, the Director of National Intelligence, and the Attorney General are exempt from the requirement in the national interest of the United States, regardless of the original procurement cost, or the purpose of procurement due to the special monitoring and accounting measures necessary to track the items' capabilities.

(b) CLASSIFIED TRACKING.—Due to the sensitive nature of missions and operations conducted by the United States Government, inventory data related to covered unmanned aircraft systems manufactured or assembled by a covered foreign entity may be tracked at a classified level.

(b) THE DEPARTMENT OF DEFENSE, Department of Homeland Security, Department of Justice, and Department of Transportation may exclude from the full inventory process, covered unmanned aircraft systems that are deemed expendable due to mission risk such as recovery issues or that are one-time-use covered unmanned aircraft due to requirements and low cost.

SEC. 5888. COMPTROLLER GENERAL REPORT.

Not later than 275 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Senate, the House of Representatives, and the appropriate committees thereof, a report on the status of all commercial off-the-shelf drones and covered unmanned aircraft systems procured by Federal departments and agencies from covered foreign entities.

SEC. 5889. GOVERNMENT-WIDE POLICY FOR PROCUREMENT OF UNMANNED AIRCRAFT SYSTEM.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Department of Homeland Security, Department of Transportation, the Department of Justice, and other departments as determined by the Director of the Office of Management and Budget, and in consultation with the National Institute of Standards and Technology, shall establish a government-wide policy for the procurement of an unmanned aircraft system—

(1) for non-Department of Defense and non-intelligence community operations; and

(c) regulations or guidance to implement this section.

SEC. 5886. PROHIBITION ON USE OF GOVERNMENT-ISSUED PURCHASE CARDS TO PURCHASE COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

Effective immediately, Government-issued Purchase Cards may not be used to procure any covered unmanned aircraft system from a covered foreign entity.

SEC. 5887. MANAGEMENT OF EXISTING INVENTORIES OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) In General.—All executive agencies must account for existing inventories of covered unmanned aircraft systems manufactured or assembled by a covered foreign entity in their personal property accounting systems, within one year of the date of enactment of this Act, regardless of the original procurement cost, or the purpose of procurement due to the special monitoring and accounting measures necessary to track the items' capabilities.

(b) Appropriate safeguards necessary to protect sensitive information, including, but not limited to, the processing, storing, and transmitting Federal information in an unmanned aircraft system.

(c) The ability to opt out of the uploading, downloading, or transmitting of data that is...
not required by law or regulation and an ability to choose with whom and where information is shared when it is required.

(c) Requirement.—The policy developed under subsection (a) shall reflect an appropriate risk-based approach to information security related to use of an unmanned aircraft system.

(d) Revision of Acquisition Regulations.—Not later than 180 days after the date on which the policy required under subsection (a) is issued, the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation, as necessary, to implement the policy.

(2) any Federal department or agency or other Federal entity not subject to, or not subject solely to, the Federal Acquisition Regulation shall provide capital assistance to eligible entities engaged in eligible investments.

(4) Applications.—

(a) Exception.—In developing the policy required under subsection (a), the Director of the Office of Management and Budget shall—

(1) incorporate policies to implement the exemptions contained in this subtitle; and

(2) incorporate an exemption to the policy in the case of a head of the procuring department or agency determining, in writing, that no comparable mission or system acquisition system requirements described in subsection (b) is capable of fulfilling mission critical performance requirements, and such determination is shared when it is required.

(b) Appropriate congressional committees.—In this section the term "appropriate congressional committees" means:

(A) The Committees on Armed Services of the Senate and the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

(C) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

(D) The Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

§ 5892. Exceptions.

(a) Exception for Wildfire Management Operations and Search and Rescue Operations.—The appropriate Federal agencies, in consultation with the Secretary of Homeland Security, are exempt from the procurement, operation, and purchase restrictions under sections 5883, 5884, and 5885 to the extent the procurement, operation, or purchase is necessary for the purpose of supporting the full range of wildfire management operations or search and rescue operations.

(b) Exception for Intelligence Activities.—The elements of the intelligence community, in consultation with the Director of National Intelligence, are exempt from the procurement, operation, and purchase restrictions under sections 5883, 5884, and 5885 to the extent the procurement, operation, or purchase is necessary for the purpose of supporting intelligence activities.

(c) Exception for Law Enforcement or Emergency Service Agency.—Tribal law enforcement or Tribal emergency service agencies, in consultation with the Secretary of Homeland Security, are exempt from the procurement, operation, and purchase restrictions under sections 5883, 5884, and 5885 to the extent the procurement, operation, or purchase is necessary for the purpose of supporting the full range of law enforcement operations or search and rescue operations on Indian lands.

§ 5893. Sunset.

Sections 5883, 5884, and 5885 shall cease to have effect on the date that is five years after the date of the enactment of this Act.

TITLE LXV—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

§ 5901. Establishment of Office of Strategic Capital.

(a) In General.—(1) There is in the Department of Defense an office to be known as the Office of Strategic Capital (in this section referred to as the "Office").

(b) Director.—The Office shall be headed by a Director (in this section referred to as the "Director"), who shall be appointed by the Secretary of Defense from among employees of the Department of Defense in Senior Executive Service positions as defined in section 3132 of title 5.

(c) Duties.—The Office shall—

(i) identify, accelerate, and sustain the establishment, research, development, construction, procurement, leasing, consolidation, leverage, improve the repair of tangible and intangible assets vital to national security;

(ii) protect vital tangible and intangible assets from theft, acquisition, and transfer by the People's Republic of China, the Russian Federation, and other countries that are adversaries of the United States; and

(iii) provide capital assistance to eligible entities engaged in eligible investments.

§ 5902. Administration.

(a) Regulations.—The Director shall prescribe regulations as necessary to carry out this section.

(b) Reporting.—The Director shall, at least quarterly, report to Congress on the activities carried out under this section and such other information as Congress requires.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as Congress shall authorize.
(1) **INTEREST RATE.**

(2) **IN GENERAL.**—Except as provided by subparagraph (D), the interest rate on a loan provided under subparagraph (A) shall be not less than the yield on marketable United States Treasury securities of a similar maturity to the maturity of the loan on the date of execution of the loan agreement.

(3) **TECHNICAL ASSISTANCE.**—The Director may provide technical assistance with respect to developing and financing investments to eligible entities seeking capital assistance under subparagraph (A) as soon as commercially feasible, commensurate with other investments of the Office.

(4) **FINANCIAL INSTRUMENTS.**—The Director shall provide technical assistance with respect to developing and financing investments to eligible entities seeking capital assistance under subparagraph (A) as soon as commer-

ial feasibility, commensurate with other

(5) **INTEREST RATE.**—(A) **FEES.**—The Director may charge fees for the provision of capital assistance under this subsection to cover the costs to the Of-

(6) **AMOUNT OF CAPITAL ASSISTANCE.**—The Director shall provide to an eligible investment selected pursuant to subsection (e) the minimum amount of assistance necessary to carry out the investment.

(7) **USE OF UNITED STATES DOLLAR.**—All fi-

(8) **TECHNICAL ASSISTANCE.**—The Director shall provide technical assistance with respect to developing and financing investments to eligible entities receiving capital assistance under this subsection.

(9) **DIVIDENDS.**—The Director, in consulta-

(10) **IN GENERAL.**—All capital assistance pro-

(11) **CAPITAL RESERVE SUBSIDY AMOUNT.**—The Director of the Office of Management and Budget and the rating agencies shall determine the capital reserve subsidy amount for each loan provided under subparagraph (A).

(12) **NONSUBORDINATION.**—A loan provided under subparagraph (A) shall not be subordi-

(13) **APPLICATION OF FEDERAL CREDIT RE-

(14) **EQUITY INVESTMENTS.**—(A) **IN GENERAL.**—The Director may, as a minority investor, support an eligible investment selected pursuant to subsection (e) assuring protection of the investments of the entity in whole or in part against any or all political risks such as currency fluctuation, re- 

(15) **SALES AND LIQUIDATION OF POSITION.**—The Office shall seek to sell and liquidate any support for an investment provided under subparagraph (A) as soon as commercially feasible, commensurate with other investments of the Office, taking into consideration the national security interests of the United States.

(16) **INSURANCE AND REINSURANCE.**—The Director shall establish the amount and terms and conditions of insurance and reinsurance, upon such terms and conditions as the Director may determine, to an eligible entity for an eligible investment selected pursuant to subsection (e) assuring protection of the investments of the entity in whole or in part against any or all political risks such as currency fluctuation, re- 

(17) **FULL FAITH AND CREDIT.**—(A) **IN GENERAL.**—All capital assistance provided by the Office shall constitute obli-

(18) **AUTHORIZED PERSON.**—The Director may authorize the Secretary of the Treasury to treat such sums as may be necessary to fullfil such obligations of the United States and any such borrowing shall be at a rate determined by the Secretary of the Office taking into consideration the current average mar-

(19) **INVESTMENT AUTHORITY.**—(A) **IN GENE-

(20) **DIVIDENDS.**—The Director, in consulta-

(21) **FINANCIAL INSTRUMENTS.**—The Director may create, establish, issue, or acquire any financial instruments described in subparagraph (A) to carry out the purposes of the Office.

(22) **TECHNICAL ASSISTANCE.**—The Director shall provide technical assistance with respect to developing and financing investments to eligible entities receiving capital assistance under this subsection.

(23) **INTEREST RATE.**—(A) **FEES.**—The Director may charge fees for the provision of capital assistance under this subsection to cover the costs to the Of-

(24) **AMOUNT OF CAPITAL ASSISTANCE.**—The Director shall provide to an eligible investment selected pursuant to subsection (e) the minimum amount of assistance necessary to carry out the investment.

(25) **USE OF UNITED STATES DOLLAR.**—All fi-

(26) **TECHNICAL ASSISTANCE.**—The Director shall provide technical assistance with respect to developing and financing investments to eligible entities receiving capital assistance under this subsection.

(27) **DIVIDENDS.**—The Director, in consulta-

(28) **IN GENERAL.**—All capital assistance pro-

(29) **AUTHORIZED PERSON.**—The Director may authorize the Secretary of the Treasury to treat such sums as may be necessary to fulfill such obligations of the United States and any such borrowing shall be at a rate determined by the Secretary taking into consideration the current average mar-

(30) **INVESTMENT AUTHORITY.**—(A) **IN GENE-

(31) **DIVIDENDS.**—The Director, in consulta-

(32) **FINANCIAL INSTRUMENTS.**—The Director may create, establish, issue, or acquire any financial instruments described in subparagraph (A) to carry out the purposes of the Office.

(33) **TECHNICAL ASSISTANCE.**—The Director shall provide technical assistance with respect to developing and financing investments to eligible entities receiving capital assistance under this subsection.

(34) **INTEREST RATE.**—(A) **FEES.**—The Director may charge fees for the provision of capital assistance under this subsection to cover the costs to the Of-

(35) **AMOUNT OF CAPITAL ASSISTANCE.**—The Director shall provide to an eligible investment selected pursuant to subsection (e) the minimum amount of assistance necessary to carry out the investment.

(36) **USE OF UNITED STATES DOLLAR.**—All fi-

(37) **TECHNICAL ASSISTANCE.**—The Director shall provide technical assistance with respect to developing and financing investments to eligible entities receiving capital assistance under this subsection.

(38) **DIVIDENDS.**—The Director, in consulta-

(39) **IN GENERAL.**—All capital assistance pro-

(40) **AUTHORIZED PERSON.**—The Director may authorize the Secretary of the Treasury to treat such sums as may be necessary to fulfill such obligations of the United States and any such borrowing shall be at a rate determined by the Secretary taking into consideration the current average mar-

(41) **INVESTMENT AUTHORITY.**—(A) **IN GENE-

(42) **DIVIDENDS.**—The Director, in consulta-

(43) **FINANCIAL INSTRUMENTS.**—The Director may create, establish, issue, or acquire any financial instruments described in subparagraph (A) to carry out the purposes of the Office.

(44) **TECHNICAL ASSISTANCE.**—The Director shall provide technical assistance with respect to developing and financing investments to eligible entities receiving capital assistance under this subsection.

(45) **INTEREST RATE.**—(A) **FEES.**—The Director may charge fees for the provision of capital assistance under this subsection to cover the costs to the Of-

(46) **AMOUNT OF CAPITAL ASSISTANCE.**—The Director shall provide to an eligible investment selected pursuant to subsection (e) the minimum amount of assistance necessary to carry out the investment.

(47) **USE OF UNITED STATES DOLLAR.**—All fi-

(48) **TECHNICAL ASSISTANCE.**—The Director shall provide technical assistance with respect to developing and financing investments to eligible entities receiving capital assistance under this subsection.

(49) **DIVIDENDS.**—The Director, in consulta-

(50) **IN GENERAL.**—All capital assistance pro-

(51) **AUTHORIZED PERSON.**—The Director may authorize the Secretary of the Treasury to treat such sums as may be necessary to fulfill such obligations of the United States and any such borrowing shall be at a rate determined by the Secretary taking into consideration the current average mar-

(52) **INVESTMENT AUTHORITY.**—(A) **IN GENE-

(53) **DIVIDENDS.**—The Director, in consulta-

(54) **FINANCIAL INSTRUMENTS.**—The Director may create, establish, issue, or acquire any financial instruments described in subparagraph (A) to carry out the purposes of the Office.

(55) **TECHNICAL ASSISTANCE.**—The Director shall provide technical assistance with respect to developing and financing investments to eligible entities receiving capital assistance under this subsection.

(56) **INTEREST RATE.**—(A) **FEES.**—The Director may charge fees for the provision of capital assistance under this subsection to cover the costs to the Of-

(57) **AMOUNT OF CAPITAL ASSISTANCE.**—The Director shall provide to an eligible investment selected pursuant to subsection (e) the minimum amount of assistance necessary to carry out the investment.
TITILE LX—GENERAL PROVISIONS

SEC. 6011. BATTLE FORCE SHIP EMPLOYMENT, MAINTENANCE, AND MANNING BASELINE PLANS.

(a) In GENERAL.—Chapter 869 of title 10, United States Code, is amended by adding at the end the following new title

"$8696. Battle force ship employment, maintenance, and Manning baseline plans.

(A) In general.—Not later than 45 days after the delivery of the first ship in a new class of battle force ships, the Secretary of the Navy shall submit to the Congress a report on the employment, maintenance, and Manning baseline plans for the class, including a description of the following:

(1) The sustainment and maintenance plans for the class that enumerate the number of years the class is expected to be in service, including—

(A) The allocation of maintenance tasks among depot, intermediate, depot, or other activities;

(B) The planned duration and interval of maintenance for all depot-level maintenance available to the fleet;

(C) The planned duration and interval of drydock maintenance periods.

(2) Any contractually required integrated logistics support deliverables for the ship, including technical manuals, and an identification of—

(A) The deliverables provided to the Government on or before the delivery date; and

(B) The deliverables not provided to the Government on or before the delivery date and the expected completion date of those elements;

(3) The planned maintenance system for the ship, including—

(A) The designator of the system, including maintenance requirement cards, completed on or before the delivery date;

(B) The elements of the system not completed on or before the delivery date and the expected completion date of those elements; and

(C) The plans to complete planned maintenance from the delivery date until all elements of the system have been completed.

(4) The coordinated shipboard allowance list for the class, including—

(A) The items on the list onboard on or before the delivery date; and

(B) The items on the list not onboard on or before the delivery date and the expected arrival date of those items.

(5) The ship manpower document for the class, including—

(A) The number of officers by grade and designator; and

(B) The number of enlisted personnel by rate and rating.

(6) The personnel billets authorized for the ship for the fiscal year in which the ship is delivered and each of the four fiscal years thereafter, including—

(A) The number of officers by grade and designator; and

(B) The number of enlisted personnel by rate and rating.

(7) Programmed funding for Manning and end strength on the ship for the fiscal year in which the ship is delivered and each of the four fiscal years thereafter, including—

(A) The number of officers by grade and designator; and

(B) The number of enlisted personnel by rate and rating.

(8) Personnel assigned to the ship on the delivery date, including—

(A) The number of officers by grade and designator; and

(B) The number of enlisted personnel by rate and rating.

(9) For each critical, hull, mechanical, electrical, propulsion, and combat system of the class as so designated by the Secretary of the Navy, the plan set forth in paragraph (1) of this section, the following:

(A) The Government-provided training available for personnel assigned to the ship at the time of delivery, including the nature, objectives, duration, and location of the training.

(B) The contractor-provided training available for personnel assigned to the ship at the time of delivery, including the nature, objectives, duration, and location of the training.

(10) Plans to adjust how the training described in subparagraphs (A) and (B) will be provided to personnel after delivery, including the nature and timeline of those adjustments.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 869 of title 10, United States Code, is amended by adding at the end the following new title:

"$8696. Battle force ship employment, maintenance, and Manning baseline plans.

Subtitle F—Studies and Reports

SEC. 6021. REPORT ON LAND HELD BY ENTITIES CONNECTED TO THE PEOPLE'S REPUBLIC OF CHINA NEAR MILITARY INSTALLATIONS.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing land held by covered entities within 25 miles of a military installation or military airspace in the United States—

(1) as of the date of the report; and

(2) as of the date that is 5 years before such date of enactment.

(b) COORDINATION WITH OTHER AGENCIES.—In preparing the report required by subsection (a), the Secretary may coordinate with the heads of other appropriate agencies to ensure the completeness and accuracy of the information used to prepare the report.
(c) COVERED ENTITY DEFINED.—In this section, the term ‘‘covered entity’’ means any entity that—

(1) is headquartered in the People’s Republic of China;

(2) is owned, directed, controlled, financed, or influenced directly or indirectly by the Government of the People’s Republic of China, the Chinese Communist Party, or the military of the People’s Republic of China, including any entity for which the Government of the People’s Republic of China, the Chinese Communist Party, or the military of the People’s Republic of China has the ability, through ownership of a majority or a dominant minority of the total outstanding voting equity interest, board representation, proxy voting, a special share, contractual arrangements, formal or informal arrangements to act in concert, or other mechanisms to determine, direct, or decide for the entity in an important manner; or

(3) is a parent, subsidiary, or affiliate of any entity described in paragraph (2).

SEC. 6022. REPORT ON IMPACT OF GLOBAL CRITICAL MINERAL AND METAL RESERVES ON UNITED STATES MILITARY EQUIPMENT SUPPLY CHAINS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report—

(1) the impact of the current and future supply of global critical mineral and metal reserves on the United States military equipment supply chains; and

(2) the feasibility of public-private partnerships to foster supply chain resilience through strategic investments.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) an assessment of the efforts of the People’s Republic of China and the Russian Federation to acquire global reserves of critical mineral and metals, including reserves of lithium, tungsten, tantalum, cobalt, and molybdenum;

(2) a description of the efforts of the Department of Defense to procure critical minerals and metals;

(3) a description of planned investments by the Department to ensure the resiliency and security of the United States military supply chains requiring critical minerals and metals;

(4) an assessment of the feasibility of engagement initiated by the Department with public-private partnerships to consult and coordinate on efforts that strengthen information sharing with respect to development and mining projects, production technologies, and refining facilities relating to securing supply chains of critical minerals and metal reserves; and

(5) an assessment of the feasibility of loan guarantees provided by the Department to private firms for significant strategic investments in development and mining projects, production technologies, and refining facilities relating to securing supply chains of critical minerals and metal reserves.

(c) FORM.—The report required by subsection (a) shall be submitted in an unclassified form and include a classified annex.

SEC. 6023. CROSSCUT REPORT ON ARCTIC RESEARCH PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of the Office of Management and Budget shall submit a detailed report to Congress regarding all existing Federal programs relating to Arctic research, including—

(1) the goals of each such program;

(2) the anticipated funding levels for each such program for each of the 5 following fiscal years; and

(3) the total anticipated funding for each of the 5 following fiscal years; and

(b) DISTRIBUTION.—Not later than 3 years after submitting the report required by paragraph (a) to Congress, the Director of the Office of Management and Budget shall submit a copy of the report to the National Science Foundation, the United States Arctic Research Commission, and the Office of Science and Technology Policy.

Subtitle G—Other Matters

SEC. 6031. DEFINITION OF LAND USE REVENUE UNDER WEST LOS ANGELES LEASING ACT OF 2016.

Section 2(d)(2) of the West Los Angeles Leasing Act of 2016 (Public Law 114–226) is amended—

(1) by striking ‘‘; and’’; and

(2) by redesignating subparagraph (B) as subparagraph (A).

SEC. 6032. FINANCE FOR CONSTRUCTION OF TEST BEDS AND SPECIALIZED FACILITIES.

Section 34 of the National Institute of Standards and Technology Act (15 U.S.C. 278b) is amended—

(1) by redesigning subsections (f) through (l) as subsections (g) through (m), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph:

(B) Each contractor with respect to the procurement of such a covered item, including the end-item manufacturer of such a covered item—

(1) shall—

(i) store such covered item with such insignia in a locked area;

(ii) destroy or otherwise dispose of any such defective or unusable covered item with such insignia in a manner established by the Secretary;

(iii) destroy any such defective or unusable covered item with insignia or insignia in a manner established by the Secretary, and maintain records, for three years after the disposal of such a covered item.

SEC. 6033. HOMELAND PROCUREMENT REFORM ACT.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end of the following:

(2) FRONTLINE OPERATIONAL COMPONENT.—

(1) the term ‘‘frontline operational component’’ means the following:

(A) Footwear provided as part of a uniform.

(B) Uniforms.

(C) Holsters and tactical pouches.

(D) Patches, insignia, and embellishments.

(E) Chemical, biological, radiological, and nuclear protective gear.

(F) Body armor components intended to provide ballistic protection for an individual, consisting of 1 or more of the following:

(i) Soft ballistic panels.

(ii) Hard ballistic plates.

(iii) Concealed armor carriers worn under a uniform.

(iv) External armor carriers worn over a uniform.

(G) Any other item of clothing or protective equipment as determined appropriate by the Secretary.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall ensure that any procurement of a covered item for a frontline operational component meets the following criteria:

(A) The maximum extent possible, not less than one-third of funds obligated in a specific fiscal year for the procurement of such covered items shall be covered items that are manufactured or supplied in the United States by entities that qualify as small business concerns, as such term is described under section 3 of the Small Business Act (15 U.S.C. 632).

(B) Covered items may only be supplied pursuant to subparagraph (A) to the extent that United States entities that qualify as small business concerns—

(i) are unable to manufacture covered items in the United States; and

(ii) meet the criteria identified in subparagraph (B).

(C) Each contractor with respect to the procurement of such a covered item, including the end-item manufacturer of such a covered item—

(i) is an entity registered with the System for Award Management (or successor system) administered by the General Services Administration; and

(ii) is in compliance with ISO 9001:2015 of the International Organization for Standardization (or successor standard) or a standard determined appropriate by the Secretary to ensure the quality of products and adherence to applicable statutory and regulatory requirements.

(D) Each supplier of such a covered item with an insignia (such as any patch, badge, emblem) and each supplier of such an insignia, if such covered item with such insignia or such insignia, as the case may be, is not produced, applied, or assembled in the United States, shall—

(i) store such covered item with such insignia or such insignia in a locked area;

(ii) report any pilferage or theft of such covered item with such insignia or such insignia occurring at any stage before delivery of such covered item with such insignia or such insignia; and

(iii) destroy any such defective or unusable covered item with insignia or insignia in a manner established by the Secretary, and maintain records, for three years after the disposal of such a covered item.

(2) REQUIREMENTS TO BUY CERTAIN ITEMS RELATED TO NATIONAL SECURITY INTERESTS.

(a) COVERED ITEMS.—The term ‘‘covered item’’ means any of the following:

(A) Footwear provided as part of a uniform.

(B) Uniforms.

(C) Holsters and tactical pouches.

(D) Patches, insignia, and embellishments.

(E) Chemical, biological, radiological, and nuclear protective gear.

(F) Body armor components intended to provide ballistic protection for an individual, consisting of 1 or more of the following:

(i) Soft ballistic panels.

(ii) Hard ballistic plates.

(iii) Concealed armor carriers worn under a uniform.

(iv) External armor carriers worn over a uniform.

(G) Any other item of clothing or protective equipment as determined appropriate by the United States.
"(A) IN GENERAL.—In the case of a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) or a major disaster declared by the Secretary of the Department of Homeland Security, the Secretary shall require any high-volume third party seller on an online marketplace’s platform to provide the following information to the online marketplace:"

SEC. 6034. COLLECTION, VERIFICATION, AND DISCLOSURE OF INFORMATION BY ONLINE MARKETPLACES TO INFORM CONSUMERS.

(a) COLLECTION AND VERIFICATION OF INFORMATION.—

(1) COLLECTION.—

(A) IN GENERAL.—An online marketplace shall require any high-volume third party seller on such online marketplace’s platform to provide the following information to the online marketplace: (aa) A copy of a valid government-issued tax document that includes the business name and physical address of such seller. (bb) A copy of a valid government-issued reseller or tax document that includes the business name and physical address of such seller.

(b) DISCLOSURE REQUIRED.—

(1) IN GENERAL.—An online marketplace shall—

(i) periodically, but not less than annually, notify any high-volume third party seller on such online marketplace’s platform of the requirement to keep any information collected under paragraph (a) current; and

(ii) require any high-volume third party seller on such online marketplace’s platform to, not later than 10 days after receiving the notice under clause (i), electronically certify that—

(A) the seller has provided any changes to such information to the online marketplace, if any such changes have occurred; or

(B) there have been no changes to such seller’s information.

(B) PRESUMPTION OF VERIFICATION.—In the case of a high-volume third party seller that collects a copy of a validly-issued tax document, any information contained in such document shall be presumed to be verified as of the date of issuance of such document.

(2) DATA SECURITY REQUIREMENT.—An online marketplace shall implement and maintain reasonable security procedures and practices, including administrative, physical, and technical safeguards that are appropriate to the nature of the data and the purposes for which the data will be used, to protect the data collected to comply with the requirements of this section from unauthorized use, disclosure, access, destruction, or modification.

(b) DISCLOSURE REQUIRED.—

(1) IN GENERAL.—An online marketplace shall—

(i) periodically, but not less than annually, notify any high-volume third party seller with an aggregate gross of $20,000 or more in annual gross revenues on such online marketplace, and that uses such online
(B) LIMITATION ON EXCEPTION.—If an online marketplace becomes aware that a high-volume third party seller has made a false representation to the online marketplace in connection with the listing of a partial disclosure under subparagraph (A) or that a high-volume third party seller who has requested and received a provision for a partial disclosure has not provided responsive answers within a reasonable time frame to consumer inquiries submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace, the online marketplace shall, after providing the seller with a reasonable notice and an opportunity to respond not later than 10 days after the issuance of such notice, suspend any future sales activity of such seller unless such seller consents to the disclosure of the identity information required under paragraph (1)(B)(i).

(3) REPORTING MECHANISM.—An online marketplace shall disclose to consumers in a clear and conspicuous manner on the product listing of any high-volume third party seller a reporting mechanism that allows for electronic and telephonic reporting of suspicious marketplace activity to the online marketplace.

(I) COMPLIANCE.—If a high-volume third party seller does not comply with the requirements to provide and disclose information under this subsection, the online marketplace shall, after providing the seller with a written and electronic notice and an opportunity to provide or disclose such information not later than 10 days after the issuance of such notice, suspend any future sales activity of such seller until the seller complies with such requirements.

(c) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—(1) UNFAIR AND DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) or (b) by an online marketplace shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(B) POWERS OF THE COMMISSION.—(A) IN GENERAL.—The Commission shall enforce subsections (a) and (b) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as, though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates subsection (a) or (b) shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(2) RULES.—The Commission may promulgate regulations under section 553 of title 5, United States Code, with respect to the collection, verification, or disclosure of information under this section, provided that such regulations are necessary to collect, verify, and disclose such information.

(3) AUTHORITY PRESERVED.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

(d) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—(1) IN GENERAL.—If the attorney general of a State has reason to believe that any online marketplace is enforcing any provision of this section or a regulation promulgated under this section that affects one or more residents of that State, the attorney general of such State may bring a civil action in any appropriate district court of the United States, to:

(A) enjoin further such violation by the defendant;

(B) enforce compliance with this section or such regulation;

(C) assess civil penalties in the amount provided for under subsection (c);

(D) obtain other remedies permitted under State law; and

(E) obtain damages, restitution, or other compensation on behalf of residents of the State.

(2) NOTICE.—The attorney general of a State shall provide prior written notice of any action under paragraph (1) to the Commission and provide the Commission with a copy of any complaint or action brought in any case in which such prior notice is not feasible, in which case the attorney general shall serve such notice immediately upon instituting such action.

(3) INTERVENTION BY THE COMMISSION.—Upon receiving notice under paragraph (2), the Commission shall have the right—

(A) to intervene in the action;

(B) upon so intervening, to be heard on all matters arising therein; and

(C) to file petitions for appeal.

(4) LIMITATION ON STATUTORY INTERPRETATION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action for violation of this section or a regulation promulgated under this section, the United States, general, or official or agency of a State, may bring a separate action under paragraph (1) during the pendency of that action against the Commission for any violation of this section or a regulation promulgated under this section that is alleged in the complaint. A State attorney general, or official or agency of a State, may join a civil action for a violation of this section or regulation promulgated under this section filed by the Commission.

(5) RULES OF CONSTRUCTION.—For purposes of bringing a civil action under paragraph (1), nothing in this section shall be construed to prevent the chief law enforcement officer or official or agency of a State, from exercising the powers conferred on such chief law enforcement official or official or agency of a State, by the laws of the State to conduct investigations, administer oaths or affirmations, or compel the attendance of witnesses or the production of documentary and other evidence.

(6) ACTIONS BY OTHER STATE OFFICIALS.—(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other officer of a State who is authorized by the State to do so, except for any private person on behalf of the State attorney general, may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State in violation of any civil or criminal law of the State.

(e) SEVERABILITY.—If any provision of this section, or the application thereof to any person or circumstance, is held invalid, the remainder of this section and the application of such provision to other persons not similarly situated shall not be affected by the invalidation.

(f) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ‘Commission’ means the Federal Trade Commission.

(2) CONSUMER PRODUCT.—The term ‘consumer product’ has the meaning given such term in section 101 of the Magnuson-Moss Warranty Federal Trade Commission Improvement Act (15 U.S.C. 2301) and section 7001 of title 16, Code of Federal Regulations.
(3) HIGH-VOLUME THIRD PARTY SELLER.—

(A) IN GENERAL.—The term "high-volume third party seller" means a participant on an online marketplace's platform who is a third party seller with more than 95,000 television households and that, during the 1-year period beginning on the date of enactment of this Act, operates in a Designated Market Area that is covered by Nielsen Media Research; and

(B) CLARIFICATION.—For purposes of calculating the number of television households, any aggregate gross revenue under subparagraph (A), an online marketplace shall only be required to count sales or transactions of new or unused consumer products and a 95,000 or more in gross revenues.

(4) ONLINE MARKETPLACE.—The term "online marketplace" means any person or entity that operates a consumer-directed electronically based or accessed platform that—

(A) includes features that allow for, facilitate, or enable third party sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a consumer product in the United States through such online marketplace's platform.

(B) is used by one or more third party sellers for such purposes; and

(C) has a contractual or similar relationship with any seller, independent of an online marketplace, who sells, offers to sell, or contracts to sell a consumer product in the United States through such online marketplace's platform.

(5) SELLER.—The term "seller" means a person who sells, offers to sell, or contracts to sell a consumer product in the United States through an online marketplace's platform.

(6) THIRD PARTY SELLER.—

(A) IN GENERAL.—The term "third party seller" means any seller, independent of an online marketplace, who sells, offers to sell, or contracts to sell a consumer product in the United States through such online marketplace's platform.

(B) EXCLUSIONS.—The term "third party seller" does not include, with respect to an online marketplace—

(i) a seller who operates the online marketplace's platform;

(ii) a business entity that—

(I) makes available to the general public the entity's name, business address, and working contact information;

(II) an ongoing contractual relationship with the online marketplace to provide the online marketplace with the market, distribution, wholesaling, or fulfillment of shipments of consumer products; and

(III) provided to the online marketplace identical information as described in subsection (a), that has been verified in accordance with that subsection.

(C) VERIFY.—The term "verify" means to confirm information provided to an online marketplace pursuant to this section, which may include the use of one or more methods that enable the online marketplace to reliably and accurately verify any information and documents provided are valid, corresponding to the seller or an individual acting on the seller's behalf, not misappropriated, and not falsified.

(g) RELATIONSHIP TO STATE LAWS.—No State or political subdivision of a State, or territory thereof, may establish or continue in effect any law, regulation, rule, requirement, or standard that conflicts with the requirements of this section.

(h) REPORT REQUIREMENTS.—Section 207(f)(1) of title 18, United States Code, shall apply to representing, advising, or advising a foreign governmental entity before or employee of the executive branch of the United States for 3 years after the termination of that person's service as Secretary or Deputy Secretary.

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

(1) Congress and the executive branch have recognized the importance of preventing and mitigating the potential for conflicts of interest following government service, including with respect to senior United States officials working on behalf of foreign governments.

(2) Congress and the executive branch should jointly evaluate the status and scope of post-employment restrictions.

(j) RESTRICTIONS.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following:

"(m) EXTENDED POST-EMPLOYMENT RESTRICTIONS FOR CERTAIN SENATE-CONFIRMED OFFICIALS.—

(1) SECRETARY OF STATE AND DEPUTY SECRETARY OF STATE.—With respect to a person serving as the Secretary of State or Deputy Secretary of State, the restrictions described in section 207(f)(1) of title 18, United States Code, shall apply to representing, advising, or advising a foreign governmental entity before or employee of the executive branch of the United States for 3 years after the termination of that person's service as Secretary or Deputy Secretary.

(2) UNDER SECRETARIES, ASSISTANT SECRETARIES, AMBASSADORS, REPRESENTATIVES TO THE UNITED NATIONS.—With respect to a person serving as an Under Secretary, Assistant Secretary, or Ambassador at the Department of State or the United States Permanent Representative to the United Nations, the restrictions described in section 207(f)(1) of title 18, United States Code, shall apply to representing, advising, or advising a foreign governmental entity before or employee of the executive branch of the United States for 3 years after the termination of that person's service in a position described in this paragraph. In this paragraph, the term "person" includes an officer or employee of the executive branch of the United States for 3 years after the termination of that person's service in a position described in this paragraph.

(3) ENHANCED RESTRICTIONS FOR POST-EMPLOYMENT WORK ON BEHALF OF CERTAIN COUNTRIES OF CONCERN.—

(A) IN GENERAL.—With respect to all former officials listed in this subsection, the restrictions described in paragraphs (1) and (2) shall apply to representing, advising, or advising a country of concern described in subsection (B) before or employee of the executive branch of the United States for 3 years after the termination of that person's service in a position described in paragraphs (1) and (2).

(B) COUNTRIES SPECIFIED.—In this paragraph, the term 'country of concern' means—

(a) Definitions.—In this section—

(1) the term "Commission" means the Federal Communications Commission;

(2) the term "Designated Market Area" means—

(A) a Designated Market Area determined by Nielsen Media Research or any successor entity; or

(B) a Designated Market Area under a system of low power television broadcast stations that are licensed to local markets using a system that the Commission determines is equivalent to the system established by Nielsen Media Research, the Low Power Television Broadcast Systems Act of 1992 (47 U.S.C. 301 et seq.), and the amendments made by that title, that are collectively commonly referred to as the "Television Broadcast Incubation Act";

(3) the term "low power television station" has the meaning given the term "digital low power television station" by section 336(f)(2) of title 47, Code of Federal Regulations, or any successor regulation.

(b) Purpose.—The purpose of this section is to provide the online marketplace with the manufacture, distribution, wholesaling, or fulfillment of the number of discrete sales or transactions made through the online marketplace pursuant to this section, which may include the use of one or more methods that enable the online marketplace to reliably and accurately verify any information and documents provided are valid, corresponding to the online marketplace's platform, not misappropriated, and not falsified.

(c) Rulemaking.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Commission shall issue a notice of proposed rulemaking to issue a rule that contains the requirements described in this subsection.

(2) REQUIREMENTS.—(A) IN GENERAL.—The rule with respect to which the Commission is required to issue notice under paragraph (1) shall provide that, during the 1-year period beginning on the date of enactment of this Act, a low power television station may apply to the Commission to be identified as a Class A television licensee under section 73.601 of title 47, Code of Federal Regulations, or any successor regulation.

(B) PURPOSE.—The purpose of this section is to provide the online marketplace with the ability to seek to be recognized by the Commission as Class A television licensees.

(d) Reporting.—(1) NOTIFICATION.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representa-
“(i) the People's Republic of China; 
(ii) the Russian Federation; 
(iii) the Islamic Republic of Iran; 
(iv) the Democratic People's Republic of Korea; 
(v) the Republic of Cuba; and 
(vi) the Syrian Arab Republic. 

(4) PENALTIES AND INJUNCTIONS.—Any violation of subsections (1), (2), or (3) shall be subject to the penalties and injunctions provided for under section 216 of title 18, United States Code. 

(5) EFFECTIVE DATE.—This subsection: 
(A) FOREIGN GOVERNMENT ENTITY.—The term ‘foreign governmental entity’ includes— 
(1) any person employed by— 
(I) any department, agency, or other entity of a foreign government at the national, regional, or local level; or 
(II) any governing party or coalition of a foreign government at the national, regional, or local level; or 
(II) any entity majority-owned or majority-controlled by a foreign government at the national, regional, or local level; and 
(II) in the case of a country described in paragraph (3)(B), any company, economic project, financial institution, or nongovernmental organization that is more than 33 percent owned or controlled by the government of such country. 
(B) REPRESENTATION.—The term ‘representation’ does not include representation by an attorney, who is duly licensed and authorized to provide legal advice in a United States jurisdiction, of a person or entity in a legal capacity or for the purposes of rendering legal advice. 

(6) NOTICE OF RESTRICTIONS.—Any person subject to the restrictions of this subsection shall be provided notice of these restrictions by the Department of State upon appointment by the President, and subsequently upon notification of service with the Department of State. 

(7) EFFECTIVE DATE.—The restrictions under this subsection shall apply only to persons who are appointed by the President to the positions referenced in this subsection on or after 120 days after the date of the enactment of this subsection. 

(8) SUNSET.—The enhanced restrictions under paragraph (3) shall expire on the date that is 7 years after the date of the enactment of this section. 

Section 111 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431d(d)) is amended by adding at the end the following new paragraphs: 

“(9) $20,000,000 for fiscal year 2023. 
“(10) $20,000,000 for fiscal year 2024. 
“(11) $20,000,000 for fiscal year 2025. 
“(12) $20,000,000 for fiscal year 2026. 
“(13) $20,000,000 for fiscal year 2027.”. 

SEC. 6038. INCENTIVES FOR STATES TO CREATE SEXUAL ASSAULT SURVIVORS’ BILL OF RIGHTS. 
(a) DEFINITION OF COVERED FORMULA GRANT.—In this section, the term ‘covered formula grant’ means a grant under part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 1041 et seq.) (commonly referred to as the ‘STOP Violence Against Women Formula Grant Program’). 
(b) GRANT INCREASE.—The Attorney General shall increase the amount of the covered formula grant provided to a State in accordance with this section if the State has in effect a law that provides to sexual assault survivors the rights, at a minimum, under sections 111(a) and 114 of United States Code. 
(c) APPLICATION.—A State seeking an increase to a covered formula grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may reasonably require, including information about the law described in subsection (b). 

(d) PERIOD OF INCREASE.—The Attorney General may not provide an increase in the amount of the covered formula grant provided to a State under this section more than 4 times. 

SEC. 6039. INTERAGENCY STRATEGY TO DISRUPT AND DESTROY NARCOTICS PRODUCTION AND TRAFFICKING AND AFFILIATED NETWORKS LINKED TO THE REGIME OF BASHAR AL-ASSAD IN SYRIA. 
(a) SENSE OF CONGRESS.—It is the sense of Congress that: 

(1) the Captagon trade linked to the regime of Bashar al-Assad in Syria is a transnational security threat; and 
(2) the United States should develop and implement an interagency strategy to deny, degrade, and dismantle Assad-linked narcotics production and trafficking networks. 

(b) DEFINITIONS.—In this section, the term ‘appropriate congressional committees’ means— 

(1) the Committee on Armed Services of the Senate; 
(2) the Committee on Appropriations of the Senate; 
(3) the Committee on the Judiciary of the Senate; 
(4) the Committee on Foreign Relations of the Senate; 
(5) the Committee on Banking, Housing and Urban Affairs of the Senate; 
(6) the Select Committee on Intelligence of the Senate; 
(7) the Committee on Armed Services of the House of Representatives; 
(8) the Committee on Appropriations of the House of Representatives; 
(9) the Committee on the Judiciary of the House of Representatives; 
(10) the Committee on Foreign Affairs of the House of Representatives; 
(11) the Commercial Services of the House of Representatives; and 
(12) the Permanent Select Committee on Intelligence of the House of Representatives. 

(c) STRATEGIC PLAN.—(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, the Secretary of the Treasury, the Administrator of the Drug Enforcement Administration, the Director of National Intelligence, the Director of the Office of National Drug Control Policy, and the heads of other appropriate Federal agencies, shall provide a written strategy (with a classified annex, if necessary), to the appropriate congressional committees, that describes a comprehensive strategy to disrupt and dismantle narcotics production and trafficking and affiliated networks linked to the regime of Bashar al-Assad in Syria. 

(2) CONTENT.—The strategy required under paragraph (1) shall include— 

(A) a detailed plan for— 
(i) targeting, disrupting and degrading networks that support the narcotics infrastructure of the Assad regime, particularly through diplomatic and intelligence support to law enforcement investigation; 
(ii) building counter-narcotics capacity to partner countries through assistance and training to law enforcement services in countries that are receiving or transiting large quantities of Captagon; 
(B) the identification of the countries that are receiving or transiting large shipments of Captagon; 
(2) an assessment of the counter-narcotics capacity of such countries to interdict or disrupt the smuggling of Captagon; and 
(3) an assessment of current United States assistance and training programs to build counter-narcotics capacity; 

(3) INCLUSIONS.—(A) A PPLICATION.—A State seeking an increase to a covered formula grant under this subsection. 

(B) the identification of the countries that are receiving or transiting large shipments of Captagon; 
(2) an assessment of the counter-narcotics capacity of such countries to interdict or disrupt the smuggling of Captagon; and 
(3) an assessment of current United States assistance and training programs to build counter-narcotics capacity; 

(4) PENALTIES AND INJUNCTIONS.—Any violation of subsections (1), (2), or (3) shall be subject to the penalties and injunctions provided for under section 216 of title 18, United States Code. 

(5) EFFECTIVE DATE.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2023 through 2027 to carry out this section. 

SEC. 6039A. OUTREACH TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY SERVING INSTITUTIONS REGARDING NATIONAL SECURITY INNOVATION NETWORK (NSIN) PROGRAMS, ENTERPRISE AND INNOVATION AT INSTITUTIONS OF HIGHER EDUCATION. 
(a) SHORT TITLE.—This section may be referred to as the ‘HBCU National Security Innovation Act’. 
(b) PILOT PROGRAM.—The Under Secretary of Defense for Research and Engineering, acting through the National Security Innovation Network (NSIN), may establish a National Security Innovation Network (NSIN) program to support historically Black colleges and universities and minority serving institutions (as described in section 371 of the Higher Education Act of 1965 (20 U.S.C. 1067q)) to the commercialization, innovation, and entrepreneurial activities of the Department of Defense. 

(c) BRIEFING.—Not later than one year after the initiation of any pilot activities under subsection (b), the Secretary of Defense shall brief the appropriate congressional committees on the results of any activities conducted under the aforementioned pilot program, including— 

(1) the results of outreach efforts; 
(2) the success of expanding NSIN programs to historically Black colleges and universities and minority serving institutions; 
(3) the potential barriers to expansion; and 
(4) recommendations for how the Department of Defense can support such institutions to successfully participate in Department of Defense sponsored innovation, and entrepreneurial programs. 

SEC. 6039B. MODIFICATION OF AUTHORITY OF SECRETARY OF DEFENSE TO TRANSFER EXCESS AIRCRAFT TO STATES. 
Section 1091 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 2576 note) is amended— 

(1) in the section heading, by inserting “AND TO STATES” after “FEDERAL GOVERNMENT”; and 

(2) in subsection (a), in the first sentence, by striking “and the Secretary of Homeland Security for use by the Forest Service and the Secretary of Homeland Security for use by the Forest Service” and inserting “for use by the Forest Service, to the Secretary of Homeland Security for use by the Forest Service.”
the United States Coast Guard, and to the Governor of a State;

(3) in subsection (b)—

(A) in paragraph (1), by striking ‘‘or the United States Coast Guard as a suitable platform to carry out wildfire suppression, search and rescue, or emergency operations pertaining to wildfires’’ and inserting ‘‘, the United States Coast Guard, or the Governor of a State, as the case may be, as a suitable platform to carry out wildfire suppression, search and rescue, or emergency operations pertaining to wildfires’’;

(B) in paragraph (4), by striking the period at the end and inserting ‘‘; and’’;

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

‘‘(5) in the case of aircraft to be transferred to the Governor of a State, acceptable for use by the State, as determined by the Governor;’’;

(5) by striking subsection (c); and

(6) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ‘‘up to seven’’; and

(ii) by inserting ‘‘the Governor of a State or to the Secretary of the Interior’’;

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

‘‘(2) EXPIRATION OF RIGHT OF REFUSAL.—A right of refusal afforded the Secretary of Agriculture or the Secretary of Homeland Security under paragraph (1) with regards to an aircraft shall expire upon official notice of such notice of interest by the Secretary of Defense that such Secretary declines such aircraft;’’;

(6) in subsection (e)—

(A) in the matter preceding paragraph (1), by inserting ‘‘or to the Governor of a State’’ after ‘‘the Secretary of Agriculture’’;

(B) in paragraph (1), by striking ‘‘wildfire suppression, search and rescue, or emergency operations pertaining to wildfires’’ and inserting ‘‘purposes of wildfire suppression, search and rescue, or emergency operations pertaining to wildfires’’;

(7) in subsection (f)—

(A) in paragraph (1), by inserting ‘‘, search and rescue, emergency operations pertaining to wildfires, after ‘‘efforts’’; and

(B) by striking ‘‘or the Governor of the State, as the case may be.’’ after ‘‘Secretary of Agriculture’’;

(8) in subsection (g), by striking ‘‘or the Secretary of Homeland Security, or the Governor of a State’’;

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

‘‘(h) REPORTING.—Not later than December 1, 2022, and annually thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on aircraft transferred during the fiscal year preceding the date of such report, to—

‘‘(1) the Secretary of Agriculture, the Secretary of Homeland Security, or the Governor of a State under this section;

‘‘(2) the chief executive officer of a State under section 112 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81, 125 Stat. 1319); or

‘‘(3) the Secretary of the Air Force or the Secretary of Agriculture under section 1098 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 881);’’; and

(10) by redesignating subsections (d) through (h) as subsections (c) through (g), respectively.

SEC. 6093C. HBCU RISE.

(a) DEFINITIONS.—In this section:

(1) the term ‘‘eligible institution’’ means a historically Black college or university or other minority-serving institution that is classified as a high research activity status institution; and

(2) the term ‘‘high research activity status’’ means R2 status, as classified by the Carnegie Classification of Institutions of Higher Education.

(3) the term ‘‘historically Black college or university’’ has the meaning given the term ‘‘black institution’’ in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(4) the term ‘‘other minority-serving institutions’’ means an institution of higher education specified in paragraphs (2) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067(a)).

(5) the term ‘‘Secretary’’ means the Secretary of Defense.

(6) the term ‘‘very high research activity status’’ means R1 status, as classified by the Carnegie Classification of Institutions of Higher Education.

(7) the term ‘‘very high research activity status indicators’’ means the categories used by the Carnegie Classification of Institutions of Higher Education to delineate which institutions have very high research activity status, including—

(A) annual expenditures in science and engineering;

(B) per-capita (faculty member) expenditures in science and engineering;

(C) annual expenditures in non-science and engineering fields;

(D) per-capita (faculty member) expenditures in non-science and engineering fields; and

(E) number of full-time-equivalent faculty members.

(F) doctorates awarded in science, technology, engineering, and mathematics fields;

(G) doctorates awarded in social science fields;

(H) doctorates awarded in humanities;

(I) doctorates awarded in other fields with a research emphasis;

(J) total number of research staff, including postdoctoral researchers;

(K) other doctorate-holding non-faculty researchers in science and engineering and per-capita (faculty member) number of doctorate-level research staff, including post-doctoral researchers; and

(L) other categories utilized to determine classification.

(b) PROGRAM TO INCREASE CAPACITY TOWARD ACHIEVING VERY HIGH RESEARCH ACTIVITY STATUS.—

(1) PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish and carry out a program to increase the capacity of eligible institutions to achieve very high research activity status.

(B) RECOMMENDATIONS.—In establishing such program, the Secretary may consider the recommendations pursuant to section 262 of the National Defense Authorization Act for Fiscal Year 2018 (P.L. 115–232) and section 220 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81).

(C) CONSIDERATIONS.—In establishing the program under this section, the Secretary shall consider—

(A) the extent of nascent research capabilities and planned research capabilities at eligible institutions, with respect to research areas of interest to the Department of Defense;

(B) recommendations from previous studies for increasing the level of research activity at high research activity status historically Black colleges and universities and other minority-serving institutions toward achieving very high research activity status classification during the program, including measurable milestones such as growth in very high research activity status indicators and other relevant factors;

(C) how such institutions will sustain the increased level of research activity;

(D) how such institutions will evaluate and assess progress;

(E) reporting requirements for such institutions participating in the program;

(F) program components; and

(G) other activities necessary to build capacity in achieving very high research activity status indicators.

(b) PRIORITY AREAS.—The Secretary shall establish and update, at least every 5 years, a list of research priorities for STEM and critical technologies appropriate for the program established under this section.

(c) EVALUATION.—Not later than 2 years after the date of the enactment of this section and every 2 years thereafter until the termination of the program, the Secretary shall prepare and submit a report to the Committees on Armed Services of the Senate and the House of Representatives providing an update on the program, including—

(1) activities carried out under the program;

(2) an analysis of the growth in very high research activity status indicators of eligible institutions that participated in the program under this section;

(3) emerging research areas of interest to the Department of Defense conducted by eligible institutions that participated in the program under this section;

(4) evaluation of the maintenance of very high research activity status by eligible institutions that participated in the program under this section.

(d) TERMINATION.—The program established by this section shall terminate 10 years after the date on which the Secretary establishes such program.

(e) REPORT TO CONGRESS.—Not later than 180 days after the termination of the program under subsection (d), the Secretary shall prepare and submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the program that includes the following:

(1) an analysis of the growth in very high research activity status indicators of eligible institutions that participated in the program under this section;

(2) an evaluation on the effectiveness of the program in increasing the research capacity of eligible institutions that participated in the program under this section;

(3) a description of how institutions that have achieved very high research activity status plan to sustain that status beyond the duration of the program.

(4) an evaluation of the maintenance of very high research activity status by eligible institutions that participated in the program under this section.

(5) an evaluation of the effectiveness of the program in increasing the diversity of students and faculty conducting high quality research in unique areas.

(6) Recommendations with respect to additional activities and investments necessary to elevate the research status of historically Black colleges and universities and other minority-serving institutions.
(7) Recommendations on whether the program established under this section should be renewed or expanded.

SEC. 5030D. OFFICE OF CIVIL RIGHTS AND INCLUSION.—

(a) Short Title.—This section may be cited as the “Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022.”

(b) Establishment of Office.—Section 513 of the Homeland Security Act of 2002 (6 U.S.C. 5170 et seq.) is amended to read as follows:

“SEC. 513. OFFICE OF CIVIL RIGHTS AND INCLUSION.—

“(a) Definitions.—In this section—

“(1) the term ‘appropriate committees of Congress’ means—

“(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(B) the Committee on Transportation and Infrastructure, the Committee on Oversight and Reform, and the Committee on Homeland Security of the House of Representatives;

“(2) the term ‘Director’ means the Director of the Office of Civil Rights and Inclusion; and

“(3) the term ‘disaster assistance’ means assistance provided under chapters IV and V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.);

“(A) the term ‘Office’ means the Office of Civil Rights and Inclusion; and

“(B) the term ‘underserved community’ means—

“(i) a rural community;

“(ii) a low-income community;

“(iii) a minority (as defined in sections 6301 and 6311 of title 42, relating to persons of Mexican, Puerto Rican, Cuban, and Central or South American origin) community;

“(iv) the Pacific Islander community;

“(v) the Middle Eastern and North African community; and

“(J) any other historically disadvantaged community, as determined by the Director.

“(b) Office of Civil Rights and Inclusion.—

“(1) IN GENERAL.—The Office of Equal Rights of the Agency shall, on and after the date of enactment of the Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022, be known as the Office of Civil Rights and Inclusion.

“(2) REQUIREMENT.—Any reference to the Office of Equal Rights of the Agency in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Office of Civil Rights and Inclusion.

“(c) Director.—

“(1) IN GENERAL.—The Office shall be headed by a Director, who shall report to the Administrator.

“(2) REQUIREMENT.—The Director shall have documented experience and expertise in civil rights and equal protection laws and titles IV and V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as described in subsection (d), and shall coordinate with the Office of Civil Rights and Inclusion of the Department, including by leading a voluntary task force to address the response needs of underserved communities.

“(3) REQUIREMENT.—The measures developed under subparagraph (A) shall—

“(i) evaluate community outreach activities, language services, workforce competence, historical assistance for grants and loans provided to individuals and State, local, tribal, and foreign governments, and the effects of disaster declaration thresholds on underserved communities, the percentage of contracts awarded to underserved business, and the impact of disaster declaration thresholds on underserved communities;

“(ii) identify the communities implicated in the evacuation under clause (i); and

“(J) any other duties assigned by the Director.

“(3) REQUIREMENT.—The Director shall—

“(1) improve underserved community access to disaster assistance;

“(2) improve the quality of disaster assistance received by underserved communities;

“(3) eliminate underserved community disparities in the delivery of disaster assistance;

“(4) carry out such other responsibilities of the Office of Equal Rights as in effect on the day before the date of enactment of the Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022, as determined appropriate by the Administrator.

“(e) Authorities and Duties.—

“(1) IN GENERAL.—The Director shall be responsible for—

“(A) improving underserved community access to disaster assistance before and after a disaster; and

“(B) improving the quality of Agency assistance underserved communities receive;

“(C) reviewing preparedness, response, and recovery programs and activities of the Office to ensure the elimination of underserved communities in the delivery of such programs and activities; and

“(D) carrying out such other responsibilities as in effect on the day before the date of enactment of the Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022, as determined appropriate by the Administrator.

“(2) REDUCING DISPARITIES IN PREPAREDNESS, RESPONSE, AND RECOVERY.—

“(A) IN GENERAL.—The Director shall develop measures to evaluate the effectiveness of the activities of program offices in the Office and the activities of recipients aimed at reducing disparities in the services provided to underserved communities.

“(B) REQUIREMENT.—The measures developed under subparagraph (A) shall—

“(i) evaluate community outreach activities, language services, workforce competence, historical assistance for grants, loans, and contracts provided to individuals and State, local, tribal, and foreign governments; the effects of disaster declaration thresholds on underserved communities, the percentage of contracts awarded to underserved businesses, and the impact of disaster declaration thresholds on underserved communities;

“(ii) identify communities implicated in the evacuation under clause (i); and

“(c) Office of Civil Rights and Inclusion.—

“(1) IN GENERAL.—There shall be within the
appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared.

"(2) The number and types of allegations of unequal disaster assistance investigated by the Director or referred to other appropriate offices.

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

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2130) is amended by striking the item relating to section 536 (6 U.S.C. 321b) and inserting the following: "Sec. 513. Office of Civil Rights and Inclusion.

(d) COVID–19 RESPONSE.—

(1) IN GENERAL.—During the period of time for which there is a major disaster or emergency, the President under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191) declared with respect to a major disaster or emergency investigated by the Director or referred to other appropriate offices.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under section 422, there is authorized to be appropriated under section 414D(b)(1) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)) is amended—

(A) in paragraph (1)—

"(i) in the matter preceding subparagraph (A)—

("(1) IN GENERAL.—The Secretary shall es-

"(2) USE OF FUNDS.—

"(A) IN GENERAL.—A State receiving funds under paragraph (1) shall use the funds for rehabilitation or replacement of dwelling units described in subparagraph (B) that will remediate the applicable structural defects or hazards of the dwelling unit so that weatherization measures may be installed.

"(B) DWELLING UNIT.—A dwelling unit re-

in the first sentence, by striking "$6,500" and inserting "$12,000"; and

(ii) by striking "(c)(1)". Except as provided in paragraphs (3) and (4)" and inserting the following:

"(c) FINANCIAL ASSISTANCE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), in the first sentence, by striking "weatherized (including dwelling units partially weatherized) and inserting "fully weatherized"

"(2) LIMIT INCREASE.—The Secretary may increase the amount of financial assistance provided under this section during the period for which the report is being prepared.

"(2) by redesignating subparagraphs (H) through (M) as (G) through (J), respectively, and

"(b) STATE AVERAGE COST PER UNIT.—

(2) CONFORMING AMENDMENT.—Section 1120(b)(2) of title 38, United States Code, as added by section 704 of the Honoring our PACT Act of 2022 (Public Law 117–168; 136 Stat. 1798), is amended, by striking "section 2304 of title 10" and inserting "section 3301 of title 41".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Honoring our PACT Act of 2022 (Public Law 117–168).

SEC. 6039H. TREATMENT OF EXEMPTIONS UNDER FARA.

(a) DEFINITION.—Section 1 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611) is amended by adding at the end the following:

"(q) The term 'country of concern' means—

"(1) the People's Republic of China;

"(2) the Russian Federation;

"(3) the Islamic Republic of Iran;

"(4) the Democratic People's Republic of Korea;

"(5) the Republic of Cuba;

"(6) the Syrian Arab Republic; and

(2) by redesigning subparagraphs (D) through (L) as (E) through (J), respectively, except that the exemptions under subsections (d)(1) and (h) shall not apply to any agent of a foreign principal that is a country of concern before the colon.

(c) SUNSET.—The amendments made by subsections (a) and (b) shall terminate on October 1, 2023.

SEC. 6039I. COST-SHARING REQUIREMENTS APPLICABLE TO CERTAIN BUREAU OF RECLAMATION DAMS AND DIKES.

Section 4309 of the Water Resources and Development Reauthorization Act of 2018 (43 U.S.C. 377b note; Public Law 115–270) is amended—

(1) in the section heading, by inserting "DAMS AND " before "DIKES";

(2) in subsection (a), by striking "effective beginning on the date of enactment of this section, the Federal share of the operations and maintenance costs of a dike described in section (b)" and inserting "effective during the 1-year period beginning on the date of enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Federal share of the dam safety modifications costs of a dam or dike described in subsection (b), including repairing or replacing a gate or ancillary gate components," and;

(3) in subsection (b)—

(A) in the subsection heading, by inserting "DAMS AND " before "DIKES";

(B) in the matter preceding paragraph (1), by inserting "or before "dike" each place it appears; and

(4) by redesigning paragraph (a), by striking "December 31, 1948" and inserting "December 31, 2048".

SEC. 6039J. IMPROVING PILOT PROGRAM ON ACCEPTANCE BY THE DEPARTMENT OF VETERANS AFFAIRS OF SMALL FACILITIES AND RELATED IMPROVEMENTS.

(a) IN GENERAL.—Section 2 of the Communities Helping Invest through Property and Improvements Needed for Veterans Act of...
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2016 (Public Law 114-294; 38 U.S.C. 8103 note) is amended—
(1) in subsection (b)(1)(A), by inserting “or for which funds are available from the Construction, Minor Projects, or Construction, Major Projects appropriations accounts”;
(2) in subsection (c)(1)—
(A) in subparagraph (A)—
(i) by striking “The Secretary” and inserting “Except as otherwise provided in this paragraph, the Secretary”; and
(ii) by inserting “or funds already generally available in the Construction, Minor Projects, or Construction, Major Projects appropriations accounts” after “that are in addition to the funds appropriated for the facility”;
(B) in subparagraph (B), by striking “subsection (A)” and inserting this paragraph;
(C) by redesignating subparagraph (B) as subparagraph (F); and
(D) by inserting after subparagraph (A) the following new subparagraph:
“(B) UNOBLIGATED AMOUNTS.—The Secretary may provide additional funds to help an entity described in subsection (a)(2)(B) finance, design, or construct a facility in connection with real property and improvements to be donated under the pilot program and proposed to be accepted by the Secretary under paragraph (1) if—
“(i) the Secretary determines that doing so is in the best interest of the Department and consistent with the mission of the Department;
“(ii) funding provided under this subparagraph is in addition to amounts that have been appropriated for the facility before the date on which the Secretary and the entity enter into a formal agreement under subsection (c) for the construction and donation of the real property and improvements; and
“(III) are unobligated balances available in the Construction, Minor Projects, or Construction, Major Projects appropriations accounts of the Department that—
“(AA) are not associated with a specific project; or
“(BB) are amounts that are associated with a specific project, but are unobligated because they are the result of bid savings; and
“(bb) were appropriated to such an account before the date described in clause (I).”

(2) In recent years, partially as a result of the continuous rise of threats against members of the Federal judiciary, there is an increased need for enhanced security procedures and increased availability of tools to protect Federal judges and their families.

(b) PURPOSE.—The purpose of this subtitle is to improve the safety and security of Federal judges, including senior, recalled, or retired Federal judges, and their immediate family members to ensure Federal judges are able to administer justice fairly without fear of personal reprisal for individuals affected by the decisions they make in the course of carrying out their public duties.

SEC. 6043. DEFINITIONS.

In this subtitle:
(1) AT-RISK INDIVIDUAL.—The term “at-risk individual” means—
(A) a Federal judge;
(B) a senior, recalled, or retired Federal judge;
(C) any individual who is the spouse, parent, sibling, or child of an individual described in subparagraph (A) or (B);
(D) any individual to whom an individual described in subparagraph (A) or (B) stands in loco parentis;
(E) any other individual living in the household of an individual described in subparagraph (A) or (B);

(2) COVERED INFORMATION.—The term “covered information”—
(A) means—
(i) a home address, including primary residence or secondary residences;
(ii) a home or personal mobile telephone number;
(iii) a personal email address;
(iv) a social security number or driver’s license number;
(v) a bank account or credit or debit card information;
(vi) a license plate number or other unique identifiers of a vehicle owned, leased, or regularly used by an at-risk individual;
(vii) the school or day care attended by an at-risk individual;
(viii) the name or address of the school or day care,
(ix) information regarding current or future school or day care attendance;
(x) information regarding the employment location of an at-risk individual, including the name or address of the employer, employment schedule, or routes taken to or from the employer by an at-risk individual; and

(3) DATA BROKER.—
(A) IN GENERAL.—The term “data broker” means a commercial entity engaged in collecting, acquiring, assembling, or maintaining personal information concerning an individual who is not a customer, client, or employee of the data broker.

(4) Director.—A Director shall be appointed by the President by and with the advice and consent of the Senate.

(5) (A) In General.—The Director shall work with the Federal Judicial Center to provide information and assistance to Federal judges and their families.

Sec. 6042. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:
(1) Members of the Federal judiciary perform the important function of interpreting the Constitution of the United States and administering justice in a fair and impartial manner.

(2) In recent years, partially as a result of the continuous rise of threats against members of the Federal judiciary, there is an increased need for enhanced security procedures and increased availability of tools to protect Federal judges and their families.

(3) Between 2015 and 2019, threats and other inappropriate communications against Federal judges and other judiciary personnel increased from 926 in 2015 to approximately 4,419 in 2019.

(4) Over the past decade, several members of the Federal judiciary have experienced acts of violence against themselves or a family member in connection to their Federal judiciary role, including the murder in 2005 of United States District Judge Robert Leeaket, a judge for the United States District Court for the Northern District of Illinois.

(5) On Sunday July 19, 2020, an assailant went to the home of Esther Salas, a judge for the United States District Court for the District of New Jersey, impersonating a package delivery driver, opening fire upon arrival, and killing Daniel Anderl, the 20-year-old only son of Judge Salas, and seriously wounding Mark Anderl, her husband.
name, address, and telephone number, on behalf of or as a function of a telecommuni-
cations carrier.

(iii) Using personal information internally, provided such individual is under com-
mon ownership or affiliation by corporate
control, or selling or providing data for a
transaction or service requested by or on
cornering or influencing the value of whose personal
information is being transferred.

(iv) Providing publicly available informa-
tion via real-time or near-real-time alert
services for health or safety purposes.

(v) A consumer reporting agency subject to the
Fair Credit Reporting Act (15 U.S.C. 1681 et
seq.).

(vi) A financial institution to subject to the
Gramm-Leach-Bliley Act (Public Law
106-102) and regulations implementing that
section.

(vii) A covered entity for purposes of the
privacy regulations promulgated under
section 26(c) of the Health Insurance Portabil-
ity and Accountability Act of 1996 (42

(viii) The collection and sale or licensing of
covered information incidental to con-
duction of the activities described in clauses (i)
through (vii).

(4) FEDERAL JUDGE.—The term "Federal
judge" means each of the following:

(A) a justice of the United States or a
judge of the United States, as those terms
are defined in section 451 of title 28, United
States Code;

(B) a bankruptcy judge appointed under
section 152 of title 28, United States Code;

(C) a United States magistrate judge ap-
pointed under section 631 of title 28, United
States Code;

(D) a judge confirmed by the United States
Senate and empowered by statute in any
community, county, or possession to perform
the duties of a Federal judge;

(E) a judge of the United States Court of
Appeals for Veterans Claims appointed under section
171 of title 28, United States Code;

(F) a judge of the United States Court of
Appeals for Veterans Claims appointed under section
7253 of title 38, United States Code;

(G) a judge of the United States Court of
Appeals for the Armed Forces appointed under section
942 of title 10, United States Code;

(H) a judge of the United States Tax Court
appointed under section 7443 of the Internal
Revenue Code of 1986; and

(I) a special trial judge of the United
States Court of Federal Claims appointed under section
2951 of title 28, United States Code.

(5) GOVERNMENT AGENCY.—The term "Gov-
ernment agency'' includes—

(A) an Executive agency, as defined in sec-
tion 105 of title 5, United States Code; and

(B) any agency in the judicial branch or
legal branch.

(6) IMMEDIATE FAMILY MEMBER.—The term
"immediate family member'' means—

(A) any individual who is the spouse, par-
ent, stepparent, or child of an at-risk individual;

(B) any individual to whom an at-risk indi-
vidual stands in loco parentis; or

(C) any other individual living in the
household of an at-risk individual.

(7) TRANSFER.—The term "transfer'' means
to sell, license, trade, or exchange for consider-
ation the covered information of an at-risk
individual or immediate family member
with each Government agency that includes infor-
mation necessary to ensure compliance with
this section, as determined by the Adminis-
trative Office of the United States Courts; and

(B) request that each Government agency
destroy, delete, or de-identify personal
information to prevent the dissemination
of their covered information and that of
their immediate family members.

(2) NO PUBLIC POSTING.—Government agen-
cies shall not publicly post or display pub-
licly available content that includes covered
information of an at-risk individual or im-
mediate family member: Government agen-
cies shall not publicly post or display pub-
licly available content not later than 72 hours
after such receipt.

(3) EXCEPTIONS.—Nothing in this section
shall be construed to apply to a Government
agency from providing access to records contain-
ing the covered information of a Federal judge
to a third party if the third party—

(A) possesses a signed release from the
Federal judge or a court order;

(B) is subject to the requirements of title V
6801 et seq.);

(C) executes a confidentiality agreement
with the Government agency.

(4) AUTHORIZATION.—An at-risk individual
shall authorize the Government agency to
provide access to or make available
the at-risk information of another at-risk
individual or the immediate family
members of another at-risk individual.

(5) AUTHORIZATION BY COURT ORDER.—
(A) A judge of the United States Court of
Appeals for Veterans Claims, and

(B) the United States Court of Appeals
for Armed Forces, may authorize
the disclosure of at-risk information
by court order.

SEC. 6044. PROTECTING COVERED INFORMATION
IN PUBLIC RECORDS.

(a) GOVERNMENT AGENCIES.—

(1) IN GENERAL.—Each at-risk individual
may—

(A) file a written notice of the status of the
individual as an at-risk individual, for
themselves or for their immediate family;

(b) Filing a notice—

(A) A file written notice of the status of the
individual as an at-risk individual, for
themselves or for their immediate family
members, with each Government agency that includes infor-

mation necessary to ensure compliance with
request required or authorized by this sec-
tion on behalf of the at-risk individual. Any
notice or request made under this subsection shall be deemed to have been made by the at-
risk individual upon the date the notice or request is sub-
mit to the Comptroller General of the United States
a report on data described in clauses (i) and
(ii) of subparagraph (A) to be included in the report required under this
section.

(D) DATA BROKERS AND OTHER BUSI-
NESS.—The request for this subsection shall submit to the
Comptroller General of the United States
a report on data described in clauses (i) and
(ii) of subparagraph (A) to be included in the report required under this
section.
SEC. 6045. TRAINING AND EDUCATION.

(A) IN GENERAL.—The United States Courts, the United States Court of Appeals for Veterans Claims, and the United States Tax Court is authorized to perform all necessary functions consistent with the provisions of this subtitle and to support existing threat management capabilities within the United States Marshals Service and other relevant Federal law enforcement and security agencies for Federal judges described in subparagraphs (A), (B), (C), (D), and (E) of section 6043(4), including—

(1) monitoring the protection of at-risk individuals and judicial assets;
(2) managing the monitoring of websites for covered information of at-risk individuals and immediate family members and remove or limit the publication of such information;
(3) receiving, reviewing, and analyzing complaints by at-risk individuals of threats, whether direct or indirect, and report such threats to law enforcement partners; and
(4) providing training described in section 6045.

(B) INFORMATION SHARING.—If any of the activities described in subparagraphs (A) and (B), the person, business, or association shall publicly post or publicly display information from the internet covered information of an at-risk individual or immediate family members if the information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern;

(C) VULNERABILITY MANAGEMENT FOR CERTAIN ARTICLE I COURTS.—The functions and support authorized in paragraph (1) shall be authorized as follows:

(1) the chief judge of the United States Court of Appeals for the Armed Forces is authorized to perform such functions and support for the Federal judges described in section 6043(4)(F);
(2) the United States Courts of Appeals for the Armed Forces is authorized to perform such functions and support for the Federal judges described in section 6043(4)(F);

(3) TRAINING AND EDUCATION.—Section 604(a) of title 28, United States Code is amended—

(A) in paragraph (23), by striking ‘‘and’’ at the end;
(B) by redesignating paragraph (24) as paragraph (25); and
(C) by inserting after paragraph (23) the following:

‘‘(24) Establish and administer a vulnerability management program in the judicial branch; and
(25) EXPANSION OF CAPABILITIES OF OFFICE OF PROTECTIVE INTELLIGENCE.—

(1) IN GENERAL.—The United States Marshals Service is authorized to expand the current capabilities of the Office of Protective Intelligence of the Judicial Security Division to increase the workforce of the Office of Protective Intelligence to include additional intelligence analysts, United States deputy marshals, and any other relevant personnel to ensure that the Office of Protective Intelligence is authorized to perform all necessary functions, consistent with the provisions of this subtitle, in order to anticipate and deter threats to the Federal judiciary, including—

(A) assigning personnel to State and major urban area fusion and intelligence centers for the specific purpose of identifying potential threats to the Federal judiciary and coordinating responses to such potential threats;
(B) expanding the use of investigative analysts, physical security specialists, and intelligence analysts at the 94 judicial districts and territories to enhance the management of local and distant threats and investigations; and
(C) increasing the number of United States Marshals Service personnel for the protection of Federal judges described in section 6043(4) and the Administrative Office of the United States Courts determines is relevant.

(2) INFORMATION SHARING.—If any of the activities described in subparagraphs (A) and (B), the person, business, or association shall publicly post or publicly display information from the internet covered information related to threats to individuals other than Federal judges, the United States Marshals Service shall to the maximum extent practicable, share such information with the appropriate Federal, State, and local law enforcement agencies.

(3) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Department of Justice, in consultation with the Administrative Office of the United States Courts, the United States Court of Appeals for Veterans Claims, the United States Court of Appeals for the Armed Forces, and the United States Tax Court, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of Federal judges arising from Federal prosecutions and civil litigation.

(B) DESCRIPTION.—The report required under paragraph (1) shall describe—

(1) the number and nature of threats and assaults against at-risk individuals handling prosecutions and other matters described in paragraph (1) and the reporting requirements and methods; and
(2) the security measures that are in place to protect at-risk individuals handling prosecutions and other matters described in paragraph (1), including threat assessments, response procedures, the availability of security systems and other devices, firearms licensing such as deputations, and other measures designed to protect the at-risk individuals and their immediate family members; and
(3) for each requirement, measure, or policy described in subparagraphs (A) and (B), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy.

(2) PUBLIC POSTING.—The report described in paragraph (1) shall, in whole or in part, be exempt from public disclosure if the Attorney General determines that such public disclosure could endanger an at-risk individual.

SEC. 6047. RULES OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this subtitle shall be construed—

(1) to prohibit, restrain, or limit—

(A) the lawful investigation or reporting by the press of any unlawful activity or misconduct alleged to have been committed by an at-risk individual or their immediate family member; or

(B) the reporting on an at-risk individual or their immediate family member regarding matters of public concern;

(2) to impair access to decisions and opinions from a Federal judge in the course of carrying out their public functions;

(3) to limit the publication or transfer of covered information with the written consent of the at-risk individual or their immediate family member; or

(4) to prohibit information sharing by a data broker to a Federal, State, Tribal, or local government, or any unit thereof.

(b) PROTECTION OF COVERED INFORMATION.—This subtitle shall be broadly construed to protect the confidentiality of the covered information of at-risk individuals and their immediate family members.
SEC. 6049. SEVERABILITY.
If any provision of this subtitle, an amendment made by this subtitle, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this subtitle and the amendments made by this subtitle, and the application of the remaining provisions of this subtitle or amendments made to any person or circumstance shall not be affected.

SEC. 6049. EFFECTIVE DATE.
(a) In GENERAL.—Except as provided in subsection (b), subtitle F shall take effect on the date of enactment of this Act.
(b) EXCEPTION. —Subsections (c)(1), (d), and (e) of section 6044 shall take effect on the date that is 120 days after the date of enactment of this Act.

Subtitle I—21st Century Assistive Technology Act

SEC. 6051. SHORT TITLE.
This subtitle may be cited as the ‘‘21st Century Assistive Technology Act’’.

SEC. 6052. REAUTHORIZATION.
The Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) is amended to read as follows:

"SEC. 1. SHORT TITLE.
This Act may be cited as the ‘‘21st Century Assistive Technology Act’’.

"SEC. 2. REAUTHORIZATION.
This Act is reauthorized for five years until [expiration date]."

"SEC. 3. DEFINITIONS.
"(A) assistive technology device.—The term ‘assistive technology device’ means any item, piece of equipment, or product system, whether acquired commercially, modified, or fabricated, that is essential in providing a service or assistive technology service required; such term includes any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device or assistive technology service.

"(B) assistive technology service.—The term ‘assistive technology service’ means technology designed to be utilized in an assistive technology device or assistive technology service.

"(C) capacity building and advocacy activities.—The term ‘capacity building and advocacy activities’ means efforts that—

(B) result in the dissemination of information to the general population; and
(C) are conducted by and for individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workplace.

"(D) coordination and use of necessary services.—The term ‘coordination and use of necessary services’ means efforts that—

(A) increase the involvement of individuals with disabilities and, if appropriate, the family members, guardians, advocates, or authorized representatives of such individuals in the design, implementation, and delivery of services which are involved or are eligible to be involved in programs that—

(iii) inclusion, integration, and full participation of such individuals in society; and
(iv) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, in an individual with a disability requests, desires, or needs such involvement; and

(B) employment and training for professionals (including individuals who provide employment and rehabilitation services and entities that manufacture or sell assistive technology devices), employers, providers of employment and training services, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities; and
(C) training or technical assistance for individuals with disabilities; and
(1) adult service program.—The term ‘adult service program’ means a program that supports individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workplace.

"(E) increase awareness and facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures that facilitate the availability or provision of assistive technology devices and assistive technology services; and

"(F) increase awareness and knowledge of the benefits of assistive technology devices and assistive technology services among target groups of individuals and entities and the general public; and

"(G) increase awareness and facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures that facilitate the availability or provision of assistive technology devices and assistive technology services; and

"SEC. 3. DEFINITIONS.
In this Act:

"(1) adult service program.—The term ‘adult service program’ means a program that supports individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workplace.

"(2) AMERICAN INDIAN CONSortium.—The term ‘American Indian Consortium’ means an entity that is an American Indian Consortium established to provide protection and advocacy services for purposes of receiving funding under subsection (I) of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) that—

(A) incorporates all the activities designed to assist individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workplace.

"(3) ASSISTive TECHNOLOGY.—The term ‘assistive technology’ means technology designed to be utilized in an assistive technology device or assistive technology service.

"(4) ASSISTive TECHNOLOGY DEVICE.—The term ‘assistive technology device’ means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

"(5) ASSISTive TECHNOLOGY SERVICE.—The term ‘assistive technology service’ means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) a program providing residential, supportive, or employment services, or employment-related services, to individuals with disabilities;

(B) a program conducted by an entity that is an American Indian Consortium that provides support services for purposes of receiving funding under this Act that—

(i) respects the cultural and linguistic diversity of the people served;

(ii) makes reasonable accommodations to meet the needs of individuals with disabilities,

(iii) is culturally and linguistically appropriate, or authorized representatives of such individuals;

(iv) is provided by a program that—

(A) is implemented by a State;

(B) is equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required; and

(C) incorporates all the activities described in subsection (4) and the making of necessary services available; and

(D) is conducted by and for individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workplace.

"(6) Capacity building and advocacy activities.—The term ‘capacity building and advocacy activities’ means efforts that—

(A) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

(B) respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;

(C) incorporation, integration, and full participation of such individuals in society; and

(D) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, in an individual with a disability requests, desires, or needs such involvement; and

(E) support for individual and systems advocacy and community involvement; and

(F) training or technical assistance for professionals (including individuals who provide employment and rehabilitation services and entities that manufacture or sell assistive technology devices), employers, providers of employment and training services, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities; and

(G) a service consisting of increasing the availability of access to technology, including electronic and information technology, to individuals with disabilities.

"(7) COMPREHENSIVE STATEWIDE PROGRAM on TECHNOLOGY-RELATED SERVICES.—The term ‘comprehensive statewide program of technology-related assistance’ means a consumer-responsive program of technology-related assistance for individuals with disabilities that—

(A) is implemented by a State;

(B) is equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required; and

(C) incorporates all the activities described in subsection (4) and the making of necessary services available; and

(D) is conducted by and for individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workplace.

"(8) CONSUMER-RESPONSIVE.—The term ‘consumer-responsive’ with regard to policies, means that the policies are consistent with the principles of—

(i) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

(ii) respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;

(iii) inclusion, integration, and full participation of such individuals in society; and

(iv) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, in an individual with a disability requests, desires, or needs such involvement; and

(v) support for individual and systems advocacy and community involvement; and

(vi) training or technical assistance, or activity, means that the entity, program, or activity—

(A) is easily accessible to and available by individuals with disabilities and, if appropriate, their family members, guardians, advocates, or authorized representatives;
"(ii) responds to the needs of individuals with disabilities in a timely and appropriate manner; and
"(iii) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives (A) in community services in rural and urban areas; and (B) assist individuals with disabilities with respect to assistive technology devices and services.

"(13) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services, acting through the Administrator of the Administration for Community Living.

"(14) STATE.—
"(A) IN GENERAL.—Except as provided in subsection (b), the term ‘State’ means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.
"(B) OUTLYING AREAS.—In section 4(b): (I) The term ‘outlying area’ means— (i) The United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(15) STATE ASSISTIVE TECHNOLOGY PROGRAM.—The term ‘state assistive technology program’ means a program authorized under section 4.

"(16) TARGETED INDIVIDUALS AND ENTITIES.—The term ‘targeted individuals and entities’ means—
"(A) individuals with disabilities of all ages and their family members, guardians, advocates, and authorized representatives (A);
"(B) underrepresented populations, including the aging workforce;

"(17) DISABILITY.—The term ‘disability’ has the meaning given such term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

"(18) INDIVIDUAL WITH A DISABILITY.—The term ‘individual with a disability’ means any individual of any age, race, or ethnicity—
"(A) who has a disability; and
"(B) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in function, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

"(19) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), and includes a community college receiving funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

"(20) PROTECTION AND ADVOCACY SERVICES.—The term ‘protection and advocacy services’ means services that—
"(A) are described in subtitle C of title I of the Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.), the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and
"(B) assist individuals with disabilities with respect to assistance to educational and advocacy services.

"(21) URBAN AREA.—The term ‘urban area’ means—
"(A) any outlying area described in section 4(b); and
"(B) any area (including urbanized areas) described in section 4(c).

"(22) UNDERREPRESENTED POPULATION.—The term ‘underrepresented population’ means a population that is typically underrepresented in service provision, and includes populations of individuals who have low-incidence disabilities, racial and ethnic minorities, low income individuals, homeless individuals (including children and youth), children in foster care, individuals with limited English proficiency, older individuals, or individuals living in rural areas.

"(23) UNIVERSAL DESIGN.—The term ‘universal design’ means a philosophy or approach for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly accessible (without requiring assistive technologies) and products and services that are interoperable with assistive technologies.

SEC. 4. GRANTS FOR STATE ASSISTIVE TECHNOLOGY PROGRAMS.

"(GRANTS TO STATES.—The Secretary shall award grants (a) to States to maintain a comprehensive statewide continuum of integrated assistive technology activities described in subsection (e) through State assistive technology programs that are designed—
"(I) to maximize the ability of individuals with disabilities across the human lifespan and across the wide array of disabilities, and their family members, guardians, advocates, and authorized representatives, to obtain assistive technology services that are interoperable with assistive technologies;

"(ii) from 20 percent of the remainder, allot to each State an amount that bears the same relationship to such 20 percent as the population of the State bears to the population of all States; and
"(iii) from the remainder of the funds after the Secretary makes the allotments described in clause (ii), the Secretary shall—

"(I) from 80 percent of the remainder, allot to each State an amount that bears the same relationship to such 80 percent as the population of the State bears to the population of all States; and
"(II) from 20 percent of the remainder, allot to each State an equal amount.

"(D) APPROPRIATION HIGHER THAN THRESHOLD AMOUNT.—For a fiscal year for which the amount of funds made available to carry out this section is $40,000,000 or greater, the Secretary shall—
"(I) from 60 percent of the portion, allot to each State an equal amount; and
"(II) from 40 percent of the portion, allot to each State an amount that bears the same relationship to such 40 percent as the population of the State bears to the population of all States;

"(E) CALCULATION OF STATE GRANTS.—
"(i) BASE YEAR.—For a fiscal year for which the Secretary has made available to carry out this section an amount of not less than $450,000 under clause (i) and this clause; and
"(ii) from the remainder of the funds after the Secretary makes the allotments described in clauses (i) and (ii), the Secretary shall—

"(I) from 80 percent of the portion, allot to each State an amount that bears the same relationship to such 80 percent as the population of the State bears to the population of all States; and
"(II) from 20 percent of the remainder, allot to each State an equal amount.

"(F) AMOUNT OF FINANCIAL ASSISTANCE.—
"(i) FROM BASE YEAR.—The amount of financial assistance made available to carry out this section, the Secretary shall award a grant to each eligible State and eligible outlying area from an allotment determined in accordance with paragraph (2).

"(ii) FROM ADDITIONAL FUNDS.—If, after the Secretary makes the allotments described in clause (i), the Secretary shall—

"(A) BASE YEAR.—Except as provided in subparagraph (B), the Secretary shall—
"(i) make the allotments described in subparagraph (A); and
"(ii) from the remaining of the funds after the Secretary makes the allotments described in clause (i), the Secretary shall—

"(I) from 80 percent of the portion, allot to each State an amount that bears the same relationship to such 80 percent as the population of the State bears to the population of all States; and
"(II) from 20 percent of the remainder, allot to each State an equal amount.

"(B) ALLOCATION OF FUNDS.—Amounts made available for a fiscal year under this section shall be available for the fiscal year and the year following the fiscal year.

"(C) LEAD AGENCY, IMPLEMENTING ENTITY, AND ADVISORY COUNCIL.—
(i) LEAD AGENCY AND IMPLEMENTING ENTITY.—

(A) LEAD AGENCY.—

(i) In General.—The Governor of a State shall designate a public agency as a lead agency—

(ii) to control and administer the funds made available through the grant awarded to the State; and

(iii) to submit the application described in subsection (d) on behalf of the State, to ensure conformance with Federal and State accountability and budgeting requirements.

(B) IMPLEMENTING ENTITY.—The Governor may designate an agency, office, or other entity to carry out State activities described in this section, including making programmatic and resource allocation decisions necessary to implement the comprehensive statewide program of technology-related assistance;

(C) EXPENSES.—The members of the advisory council established in accordance with subsection (a)(vi) shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of official duties for the advisory council.

(D) IMPACT ON EXISTING STATUTES, RULES, OR POLICIES.—Nothing in this paragraph shall be construed to affect, amend, or repeal the provisions of any Federal or State law or rule, or official policy relating to any matter of State law or practice in any other program or project.

(E) LEAD AGENCY AND IMPLEMENTING ENTITY.—In any case where—

(i) the Governor requests to redesignate a lead agency, the Governor shall include in, or amend, the application to request the redesignation and provide a description of the rationale for why the lead agency should not serve as that agency; or

(ii) the Governor requests to redesignate an implementing entity, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the entity designated as the implementing entity should not serve as that entity.

(F) STATE PLAN.—The application under this subsection shall include a State plan for assistive technology consisting of—

(A) a description of how the State will carry out a statewide continuum of integrated assistive technology activities described in subsection (e)(9); and

(B) a description of how the State will allocate and utilize grant funds to implement provisions of this act.

(G) MAJORITY.—

(i) In General.—Not less than 15 percent of the members of the advisory council shall be individuals with disabilities.

(ii) REPRESENTATIVES OF AGENCIES.—Members appointed under subclause (I) through (VII) of clause (i) shall not count toward the majority membership requirement established in subclause (I).

(iii) REPRESENTATION.—The advisory council shall be geographically representative of the State and reflect the diversity of the State with respect to race, ethnicity, types of disabilities across the age span, and users of technology. The advisory council shall include at least one individual with a disability.

(iv) EXPENSES.—The members of the advisory council shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of official duties for the advisory council.

(v) community living; and

(vi) federal and State law or rule, or official policy relating to any matter of State law or practice in any other program or project, including making programmatic and resource allocation decisions necessary to implement the comprehensive statewide program of technology-related assistance; and

(vii) the State for planning of, implementation of, and evaluation of services provided under this section.

III. NATIONAL PROGRAM

(A) IN GENERAL.—The application shall contain—

(i) information identifying and describing the lead agency referred to in subsection (c)(1)(A);

(ii) information identifying and describing the implementing entity referred to in subsection (c)(1)(B), if the Governor of the State designates such an entity; and

(iii) a description of how individuals with disabilities were involved in the development of the application and subject to the implementation of the activities to be carried out through the grant and through the advisory council established in accordance with subsection (c)(2).

(B) CHANGE IN LEAD AGENCY OR IMPLEMENTING ENTITY.—In any case where—

(i) the Governor requests to redesignate a lead agency, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the agency designated as the lead agency should not serve as that agency; or

(ii) the Governor requests to redesignate an implementing entity, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the entity designated as the implementing entity should not serve as that entity.

(C) STATE PLAN.—The application under this subsection shall include a State plan for assistive technology consisting of—

(A) a description of how the State will carry out a statewide continuum of integrated assistive technology activities described in subsection (e)(9); and

(B) a description of how the State will allocate and utilize grant funds to implement provisions of this act.

(D) MAJORITY.—Not less than 15 percent of the members of the advisory council shall be individuals with disabilities.

(E) REPRESENTATIVES OF AGENCIES.—Members appointed under subclauses (I) through (VII) of clause (i) shall not count toward the majority membership requirement established in subclause (I).

(F) REPRESENTATION.—The advisory council shall be geographically representative of the State and reflect the diversity of the State with respect to race, ethnicity, types of disabilities across the age span, and users of technology. The advisory council shall include at least one individual with a disability.

(G) EXPENSES.—The members of the advisory council shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of official duties for the advisory council.

(H) IMPACT ON EXISTING STATUTES, RULES, OR POLICIES.—Nothing in this paragraph shall be construed to affect, amend, or repeal the provisions of any Federal or State law or rule, or official policy relating to any matter of State law or practice in any other program or project.

(I) LEAD AGENCY AND IMPLEMENTING ENTITY.—In any case where—

(i) the Governor requests to redesignate a lead agency, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the agency designated as the lead agency should not serve as that agency; or

(ii) the Governor requests to redesignate an implementing entity, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the entity designated as the implementing entity should not serve as that entity.

(J) STATE PLAN.—The application under this subsection shall include a State plan for assistive technology consisting of—

(A) a description of how the State will carry out a statewide continuum of integrated assistive technology activities described in subsection (e)(9); and

(B) a description of how the State will allocate and utilize grant funds to implement provisions of this act.

(C) MAJORITY.—Not less than 15 percent of the members of the advisory council shall be individuals with disabilities.

(D) REPRESENTATIVES OF AGENCIES.—Members appointed under subclauses (I) through (VII) of clause (i) shall not count toward the majority membership requirement established in subclause (I).

(E) REPRESENTATION.—The advisory council shall be geographically representative of the State and reflect the diversity of the State with respect to race, ethnicity, types of disabilities across the age span, and users of technology. The advisory council shall include at least one individual with a disability.

(F) EXPENSES.—The members of the advisory council shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of official duties for the advisory council.
in a manner consistent with the data submitted through the progress reports under subsection (f); and

"(E) a description of any activities described in subsection (d) that the State will support with State or non-Federal funds.

"(4) INCLUSION OF PUBLIC AND PRIVATE ENTITIES.—The application shall describe how various public and private entities were involved in the development of the application and will be involved in the implementation of the activities to be carried out through the grant, including

"(A) in cases determined to be appropriate by the State, a description of the nature and extent of the resources that will be committed by public and private collaborators to assist in accomplishing identified goals; and

"(B) a description of the mechanisms established to ensure coordination of activities described in subsection (d), and collaboration between the implementing entity, if any, and the State.

(5) ASSURANCES.—The application shall include assurances that

"(A) the State will annually collect data related to the required activities implemented by the State under this section in order to progress reports required under subsection (f);

"(B) funds received through the grant—

"(i) will be expended in accordance with this section; and

"(ii) will be used to supplement, and not supplant, funds available from other sources for technology-related assistance, including the provision of assistive technology devices and assistive technology services;

"(C) the lead agency will control and administer the funds received through the grant;

"(D) the State will adopt such fiscal control and accounting procedures as may be necessary to ensure that all funds disbursed under this section are accounted for and accounted for the funds received through the grant;

"(E) the physical facility of the lead agency and implementing entity, if any, meets the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding accessibility for individuals with disabilities;

"(F) a public agency or an individual with a disability holds title to any property purchased with funds received under the grant and adequate documentation accompanies the property;

"(G) activities carried out in the State that are authorized under this Act, and supported by Federal funds received under this Act, will be administered by the Architectural and Transportation Barriers Compliance Board under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d); and

"(H) the State will—

"(i) prepare reports to the Secretary in such form and containing such information as the Secretary may require to carry out the Secretary’s functions under this Act; and

"(ii) keep such records and allow access to such records to the Secretary as may be necessary to ensure the correctness and verification of information provided to the Secretary under this subparagraph.

"(e) USE OF FUNDS.—

"(1) REQUIRED ACTIVITIES.—

"(A) IN GENERAL.—Except as provided in paragraph (b) and paragraph (6), any State that receives a grant under this section shall—

"(i) undertake activities described in paragraph (3), of which not less than 5 percent of such portion shall be available for activities described in paragraph (3)(A)(ii); and

"(ii) use a portion of the funds made available through the grant to carry out all of the activities described in paragraph (2).

"(B) STATE OR NON-FEDERAL FINANCIAL SUPPORT.—A State receiving a grant under this section shall not be required to use grant funds to carry out the category of activities described in paragraph (C), or (D) of paragraph (2) if, in that State—

"(i) financial support is provided from State or other non-Federal resources or entities for that activity; and

"(ii) the amount of the financial support is comparable to, or greater than, the amount of the portion of the funds made available through this grant that the State would have expended for that category of activities, in the absence of this subparagraph.

"(2) STATE-LEVEL ACTIVITIES.—

"(A) STATE FINANCING ACTIVITIES.—The State shall support State financing activities to increase access to, and funding for, assistive technology devices and assistive technology services (which shall not include direct payment for such a device or service for an individual with a disability but may include support and administration of a program to provide such payment), including development of systems to provide and pay for such devices and services, for targeted individuals and entities described in section 3(3)(A), including—

"(i) support for the development of systems for the purchase, lease, or other acquisition of assistive technology devices and assistive technology services;

"(ii) another mechanism that is approved by the Secretary; or

"(iii) support for the development of a State-financed or privately financed alternative financing program engaged in the provision of assistive technology devices, such as—

"(I) a revolving loan fund; or

"(II) a loan guarantee or insurance program.

"(B) DEVICE REUTILIZATION PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out assistive technology device reutilization programs that provide for the exchange, repair, recycling, or other reutilization of assistive technology devices, which may include redistribution through device sales, loans, rentals, or donations.

"(C) DEVICE LOAN PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out device loan programs that provide short-term loans of assistive technology devices to individuals, employers, public agencies, or others seeking to meet the needs of individuals and entities, including others seeking to comply with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(D) DEVICE DEMONSTRATIONS.—The State shall directly, or in collaboration with public or private entities, carry out activities that enhance the knowledge, skills, and competencies of individuals from local settings described in such clause, which may include—

"(i) general awareness training on the benefits of assistive technology and the Federal, State, and private funding sources available to assist targeted individuals, especially older individuals and transition-age youth with disabilities, and entities in acquiring assistive technology;

"(ii) skills-development training in assessing the need for assistive technology devices and assistive technology services;

"(iii) training to ensure the appropriate application and use of assistive technology devices, assistive technology services, and accessible information and communication technology for e-government functions;

"(iv) training in the importance of multiple approaches to assessment and implementation necessary to meet the individual needs of individuals with disabilities and older individuals; and

"(v) technical training on integrating assistive technology into the development and implementation of service plans, including any education, health, discharge, OIinstead, employment, or other plan required under Federal or State law.

"(E) TRANSITION ASSISTANCE ACTIVITIES.—

"(i) IN GENERAL.—The State shall conduct transition activities designed to provide information to targeted individuals, including older individuals and transition-age youth with disabilities, and entities relating to the availability, benefits, appropriateness, and costs of assistive technology devices and assistive technology services, including—

"(I) the development of procedures for providing direct communication between providers of assistive technology and targeted individuals and entities, which may include partnerships with entities in the statewide and local workforce development systems established under the Workforce Innovation and Opportunity Act (20 U.S.C. 3101 et seq.), public and private employers, or elementary and secondary public schools;
(I) the development and dissemination to targeted individuals, including older individuals and transition-age youth with disabilities, and entities, of information about State efforts related to assistive technology; and

(III) the distribution of materials to appropriate public and private agencies that provide services (such as educational, employment, and transportation services) to individuals with disabilities.

(ii) STATEWIDE INFORMATION AND REFERRAL SYSTEMS.—The State shall ensure that the lead agency or implementing entity is conducting outreach to and, as appropriate, collaborating with, other State agencies that receive Federal funding for assistive technology, including—

(i) the State educational agency receiving assistance under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

(ii) the State vocational rehabilitation agency receiving assistance under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

(iii) the agency responsible for administering the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(iv) the State agency receiving assistance under the Older Americans Act of 1965 (42 U.S.C. 1501 et seq.); and

(v) any other agency in a State that funds assistive technology.

(6) STATE FLEXIBILITY.—(A) SPECIAL RULE.—Notwithstanding paragraph (1)(A) and subject to subparagraph (B), a State may use funds that the State receives under a grant awarded under this section to carry out any 2 or more of the activities described in paragraph (2).

(B) SPECIAL RULE.—Notwithstanding paragraph (1)(A), a State may use funds that the State receives under subsection (b)(2) for any of the purposes described in paragraph (2).
provided under paragraph (3)(A).

of such fiscal year shall remain available to
section that remains unobligated at the end
eligible system for a fiscal year under this
section (e) and quarterly updates concerning
activities described in such subsection.

Coordination.—On making a grant under this section to an entity in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State with respect to efforts at coordination of activities, collaboration, and promoting outcomes between the lead agency and the entity that receives the grant under this section.

**SEC. 6. TECHNICAL ASSISTANCE AND DATA COLLECTION**

**(a) Definitions.**—In this section:

(1) QUALIFIED DATA COLLECTION AND REPORTING ENTITY.—The term "qualified data collection and reporting entity" means an entity with demonstrated experience in data collection and reporting as described in subsection (b)(2)(B), in order to—

(A) provide recipients of grants under this Act with training and technical assistance; and

(B) assist such recipients with data collection and data requirements.

(2) QUALIFIED PROTECTION AND ADVOCACY SYSTEM TECHNICAL ASSISTANCE PROVIDER.—The term "qualified protection and advocacy system technical assistance provider" means an entity that has experience in—

(A) working with protection and advocacy systems established in accordance with section 1416(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 1503b); and

(B) providing technical assistance to protection and advocacy systems receiving grants under section 9(b)(1).

PORTING ASSISTANCE.—From amounts made available under section 9(b)(1), the Secretary shall award, on a competitive basis—

(B) 1 grant, contract, or cooperative agreement to a qualified protection and advocacy system technical assistance provider, to enable the eligible protection and advocacy system technical assistance provider to support activities described in subsection (d)(1) for protection and advocacy systems receiving grants under section 5.

**(2) SUPPORT FOR DATA COLLECTION AND REPORTING ASSISTANCE.**—From amounts made available under section 9(b)(1), the Secretary shall award, on a competitive basis—

(A) 1 grant, contract, or cooperative agreement to a qualified data collection and reporting entity, to enable the qualified data collection and reporting entity to carry out the activities described in subsection (d)(2) for States receiving grants under section 4; and

(B) 1 grant, contract, or cooperative agreement to a qualified protection and advocacy system technical assistance provider, to provide technical assistance and advocacy system technical assistance provider, to enable the eligible protection and advocacy system technical assistance provider to support activities described in subsection (d)(4).

organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services;

(ii) dissemination of information on effective approaches to developing, implementing, evaluating, and sustaining activities described in section 4 or 5, as the case may be, and related to improving acquisition and access to and acquisition of assistive technology devices and assistive technology services for individuals with disabilities;

(iii) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(iv) requests for information on effective approaches to developing, implementing, evaluating, and sustaining activities described in section 4 or 5, as the case may be, and related to improving acquisition and access to and acquisition of assistive technology devices and assistive technology services for individuals with disabilities; and

(V) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(VI) other requests for training and technical assistance from entities funded under this Act; and

(VII) any other organizations determined appropriate by the provider or the Secretary; and

(b) COLLABORATION.—In developing and providing training and technical assistance under this paragraph, a qualified training and technical assistance provider or qualified technical assistance provider shall—

(1) collaborate with—

(A) State agencies and organizations representing individuals with disabilities; and

(B) other appropriate Federal agencies;

(2) provide technical assistance to—

(A) State, local, and tribal governments and other appropriate entities in the administration of this Act; and

(B) other appropriate Federal entities in the administration of this Act.

SIGNIFICANCE.—In this section, the term ‘project of national significance’ means a project that—

(a) increases access to, and acquisition of, assistive technology; and

(b) creates partnerships for individuals with disabilities to directly and fully contribute to, and participate in, all facets of education, employment, community living, and recreational activities; and

(2) may—

(A) develop and expand partnerships between State Medicaid agencies and recipient entities of grants under section 4 to reutilize durable medical equipment;

(B) increase collaboration between the recipients of grants under section 4 and States to address the following:

(i) increase collaboration between recipients of grants under section 4 and area agencies on aging, as such term is defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 1396a note); and

(ii) request for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(iii) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(iv) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(v) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(vi) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(vii) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(viii) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(ix) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(x) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(xi) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(xii) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(xiii) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(xiv) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(xv) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(xvi) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(xvii) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(xviii) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(xix) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(xx) requests for information on effective approaches to the development of computer-controlled systems that have access, funding, and awareness of, assistive technology and assistive technology services; and

(2) USE OF FUNDS FOR ASSISTIVE TECHNOLOGY DATA COLLECTION AND REPORTING.—A qualified data collection and reporting entity or a qualified protection and advocacy system technical assistance provider receiving a grant under this section, or a qualified protection and advocacy system technical assistance provider receiving a grant under this section, shall provide technical assistance to recipients of grants under section 4.

(3) ADMINISTRATION.—

(A) General Administration.—

(i) TECHNICAL ASSISTANCE.—The Administrator of the Administration for Community Living shall provide technical assistance to the Secretary and to recipients of grants under this Act.

(ii) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to the Secretary and to recipients of grants under this Act.

(iii) TECHNICAL ASSISTANCE.—The Secretary and the Administrator of the Administration for Community Living shall provide technical assistance to the Secretary and to recipients of grants under this Act.

(B) COLLABORATION.—

(i) TECHNICAL ASSISTANCE.—The Administrator of the Administration for Community Living shall provide technical assistance to the Secretary and to recipients of grants under this Act.

(ii) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to the Secretary and to recipients of grants under this Act.

(iii) TECHNICAL ASSISTANCE.—The Secretary and the Administrator of the Administration for Community Living shall provide technical assistance to the Secretary and to recipients of grants under this Act.

(C) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to the Secretary and to recipients of grants under this Act.

(D) TECHNICAL ASSISTANCE.—The Secretary and the Administrator of the Administration for Community Living shall provide technical assistance to the Secretary and to recipients of grants under this Act.

(E) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to the Secretary and to recipients of grants under this Act.

(F) TECHNICAL ASSISTANCE.—The Secretary and the Administrator of the Administration for Community Living shall provide technical assistance to the Secretary and to recipients of grants under this Act.

(G) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to the Secretary and to recipients of grants under this Act.

(H) TECHNICAL ASSISTANCE.—The Secretary and the Administrator of the Administration for Community Living shall provide technical assistance to the Secretary and to recipients of grants under this Act.

(3) TECHNICAL ASSISTANCE.—The Secretary and the Administrator of the Administration for Community Living shall provide technical assistance to the Secretary and to recipients of grants under this Act.
“(A) in general.—In administering this Act, the Administrator of the Administration for Community Living shall ensure that programs funded under this Act will address—

(i) the needs of individuals with all types of disabilities and across the lifespan; and

(ii) the use of assistive technology in all potential settings, including employment, education, and community living, or for other reasons.

(B) Funding limitations.—For each fiscal year, more than 5% of the total funding appropriated for this Act shall be used by the Administrator of the Administration for Community Living to support the administration of this Act.

‘‘(b) review of participating entities.—

(1) in general.—The Secretary shall assess to the entity, through technical assistance and Human Services, of each action taken by

(A) the needs of individuals with all types of disabilities and across the lifespan; and

(B) the use of assistive technology in all potential settings, including employment, education, and community living, or for other reasons.

(2) funding limitations.—For each fiscal year, more than 5% of the total funding appropriated for this Act shall be used by the Administrator of the Administration for Community Living to support the administration of this Act.

‘‘(c) corrective action and sanctions.—

(1) corrective action.—If the Secretary determines that an entity that receive grants under this Act is failing to substantially comply with the applicable requirements of this Act and achieving measurable goals that are consistent with the requirements of the grant programs under which the entities received the grants.

‘‘(d) provision of information.—To assist

the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information, including the information required under subsection (d).

‘‘(e) corrective action and sanctions.—

(1) corrective action.—If the Secretary determines that an entity that receive grants under this Act is failing to substantially comply with the applicable requirements of this Act, or to make substantial progress toward achieving the measurable goals described in subsection (b)(1) with respect to the grant program, the Secretary shall assist the entity, through technical assistance funded by the Secretary or other means, within 90 days after such determination, to develop a corrective action plan.

(2) sanctions.—If the entity fails to develop and comply with a corrective action plan described in paragraph (1) during a fiscal year, the entity shall be subject to 1 of

the following corrective actions selected by the Secretary:

(A) Partial or complete termination of funding under the grant program, until the entity develops and complies with such a plan.

(B) Ineligibility to participate in the grant program in the following year.

(C) Reduction in the amount of funding that may be made for indirect costs under section 4 for the following year.

(D) Required redesignation of the lead agency designated under section 4 of the grant program.

(E) Appeals procedures.—The Secretary shall establish procedures for entities that are determined to be in noncompliance with the applicable requirements of this Act, or that have made substantial progress toward achieving the measurable goals described in subsection (b)(1).

‘‘(f) secretarial action.—As part of the annual report required under subsection (d), the Secretary shall specify each action taken under paragraph (1) or (2) and the outcomes of each such action.

‘‘(g) public notification.—The Secretary shall make the public know by posting on the Internet website of the Department of Health and Human Services, of each action taken by the Secretary under paragraphs (1) or (2). As a part of the notification, the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

(3) annual report to Congress.—

(1) in general.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report on the activities fund-

ed under this Act to improve the access of assistive technology devices and assistive technology services to individuals with disabilities.

(2) contents.—Such report shall in-

clude—

(A) a compilation and summary of the in-

formation reported by the States in annual progress reports submitted under section 4(f); and

(B) a summary of the State applications described in section 4(f) and analyses of the progress of the States in meeting the measurable goals established in State applic-

ations under section 4(d)(3)(C).

‘‘(g) construction.—Nothing in this section shall be construed to affect the enforce-

ment authority of the Secretary, another Federal officer, or a court under part D of

the General Education Provisions Act (20 U.S.C. 1234 et seq.) or other applicable law.

(1) effect on other assistance.—This Act may not be construed as authorizing a Federal or State education or medical service or other assistance available, or to alter eligi-

bility for a benefit or service, under any other Federal law.

‘‘sec. 9.—Authorization of Appropriations; Reservations and Distribution of Funds.

‘‘(a) in general.—There are authorized to be appropriated to carry out this Act—

(1) $60,000,000 for fiscal year 2023; and

(2) such sums as may be necessary for each of fiscal years 2024 through 2027.

‘‘(b) Reservations and Distribution of Funds.—Of the funds made available under subsection (a) to carry out this Act and sub-

ject to subsection (c) the Secretary shall—

(1) reserve an amount equal to 3 percent of such available funds to carry out section 4(b)(1) and section 6(b)(2); and

(2) of the amounts remaining after the reservation under paragraph (1)—

(A) use 85.5 percent of such amounts to carry out section 4; and

(B) use 14.5 percent of such amounts to carry out section 5.

‘‘(c) Limit for Projects of National Significance.—In any fiscal year for which the amount made available under subsection (a) exceeds $49,000,000 the Secretary may reserve an amount, which shall not exceed the lesser of the excess amount made available or $2,000,000, for section 7 before carrying out subsection (b).’’.

‘‘sec. 6053. Effective date.

This subtitle, and the amendments made by this subtitle, shall take effect on the day that is 6 months after the date of enactment of this Act.

Title Lxi—Civilian Personnel Matters

Sec. 6101. Civilian Cybersecurity Reserve Pilot Project at the Cybersecurity and Infrastructure Security Agency.

(a) definition.—In this section—

(1) agency.—The term ‘‘agency’’ means the Cybersecurity and Infrastructure Security Agency.

(2) Appropriate Congressional Committees.—The term ‘‘appropriate congressional committees’’ means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Homeland Security of the House of Representatives;

(D) the Committee on Oversight and Reform of the House of Representatives; and

(E) the Committee on Appropriations of the House of Representatives.

(3) Civilian Cybersecurity Reserve.—The term ‘‘Civilian Cybersecurity Reserve’’ means the Civilian Cybersecurity Reserve at the Agency established under subsection (b).

(4) Competitive Service.—The term ‘‘compete-

tive service’’ has the meaning given the term in section 2102 of title 5, United States Code.

(5) Director.—The term ‘‘Director’’ means the Director of the Agency.

(6) Excepted Service.—The term ‘‘excepted service’’ has the meaning given the term in section 2101 of title 5, United States Code.

(7) Pilot Project.—The term ‘‘pilot project’’ means the pilot project established by subsection (b).

(8) Significant Incident.—The term ‘‘significant 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; and

(B) does not include an incident or a por-

tion of a group of related incidents that oc-

curs on

(i) a national security system, as defined in section 3532 of title 44, United States Code; or

(ii) an information system described in paragraph (2) or (3) of section 5555(e) of title 44, United States Code.

(9) Temporary Position.—The term ‘‘tem-

porary position’’ means a position in the competitive or excepted service for a period of 180 days or less.

(10) Uniformed Services.—The term ‘‘uni-

formed services’’ has the meaning given the term in section 2101 of title 5, United States Code.

(11) Pilot Project.—There is established a pilot project under which the Director may, in consultation with the Administrator of the Civilian Cybersecurity Reserve at the Agency in accordance with subsection (c),

(1) establish a Civilian Cybersecurity Reserve at the Agency; and

(2) Alternative Methods.—Consistent with section 4703 of title 5, United States Code, in carrying out the pilot project, the Director may, without further authorization from the Office of Personnel Management, provide for alternative methods of—

(A) establishing qualifications require-

ments for, recruitment of, and appointment to positions; and

(B) classifying positions.

(3) Appointments.—Under the pilot project, upon occurrence of a significant incident, the Director—

(A) may activate members of the Civilian Cybersecurity Reserve by—

(i) competetively appointing members of the Civilian Cybersecurity Reserve to temporary positions in the competitive service; or

(ii) appointing members of the Civilian Cybersecurity Reserve to temporary positions in the excepted service;

(B) shall notify Congress whenever a mem-

ber is activated under subparagraph (A); and

(C) may appoint not more than 30 members from the Office of Personnel Management, of which not more than 30 members to the Civilian Cybersecurity Reserve under subparagraph (A) at any time.
(4) **STATUS AS EMPLOYEES.**—An individual appointed under paragraph (3) shall be considered a Federal civil service employee under section 2105 of title 5, United States Code.

(5) **ADDITIONAL EMPLOYEES.**—Individuals appointed under paragraph (3) shall be in addition to any employees of the Agency who provide cybersecurity services.

(6) **EMPLOYMENT PROTECTIONS.**—The Secretary of Labor shall prescribe such regulations as necessary to ensure the reemployment, reutilization of benefits, and non-discrimination in reemployment of individuals appointed under paragraph (3), provided that such regulations include, at a minimum, those rights and obligations set forth under chapter 43 of title 38, United States Code.

(7) **STATUS IN RESERVE.**—During the period beginning on the date on which an individual is recruited by the Agency to serve in the Civilian Cybersecurity Reserve and ending on the date on which the individual is appointed under paragraph (3), and during any period in between any such appointments, the individual shall not be considered a Federal employee.

(8) **ELIGIBILITY; APPLICATION AND SELECTION.**—

(A) **IN GENERAL.**—Under the pilot project, the Director shall establish criteria for—

(i) individuals to be eligible for the Civilian Cybersecurity Reserve; and

(ii) a application and selection process for the Civilian Cybersecurity Reserve.

(B) **REQUIREMENTS FOR INDIVIDUALS.**—The criteria established under subparagraph (A)(i) with respect to an individual shall include—

(i) previous employment;

(ii) by the executive branch;

(iii) as a Federal contractor or subcontractor; and

(iv) by a State, local, Tribal, or territorial government.

If the individual has previously served as a member of the Civilian Cybersecurity Reserve, the previous appointment ended not less than 60 days before the individual may be appointed for a subsequent temporary position in the Civilian Cybersecurity Reserve; and

(ii) a prescreening of each individual appointed under paragraph (3) to notify the Director if a potential conflict of interest arises during the appointment.

(D) **AGREEMENT REQUIRED.**—An individual may become a member of the Civilian Cybersecurity Reserve only if the individual enters into an agreement with the Director to be a member of the Civilian Cybersecurity Reserve.

(E) **EXCEPTION FOR CONTINUING MILITARY SERVICE COMMITMENTS.**—A member of the Select Reserve under section 10143 of title 10, United States Code, may not be a member of the Civilian Cybersecurity Reserve.

(F) **PRIORITY.**—In appointing individuals to the Civilian Cybersecurity Reserve, the Agency shall prioritize the appointment of individuals described in clause (i) or (ii) of subparagraph (B)(i) before considering individuals described in clause (iii) or (iv) of subparagraph (B)(i).

(G) **PROHIBITION.**—Any individual who is an employee of an executive branch agency or employee in the Civilian Cybersecurity Reserve.

(9) **SECURITY CLEARANCES.**—

(A) **IN GENERAL.**—The Director shall ensure that all members of the Civilian Cybersecurity Reserve undergo the appropriate personnel vetting and adjudication commensurate with the duties of the position, including—

(i) a determination of eligibility for access to classified information; and

(ii) the appropriate clearance.

(B) **COST OF SPONSORING CLEARANCES.**—If a member of the Civilian Cybersecurity Reserve requires a security clearance in order to carry out the duties of the position, the Agency shall be responsible for the cost of sponsoring the security clearance of the member.

(10) **STUDY AND IMPLEMENTATION PLAN.**—

(A) **STUDY.**—Not later than 60 days after the date of the enactment of this Act, the Director shall conduct a study of the design and implementation of the pilot project, including—

(i) compensation and benefits for members of the Civilian Cybersecurity Reserve;

(ii) activities that members may undertake as part of their duties;

(iii) methods for identifying and recruiting members, including to traditional qualifications requirements;

(iv) methods for preventing conflicts of interest or other ethical concerns as a result of an individual's prior employment or details of mitigation efforts to address any conflict of interest concerns;

(v) resources, including additional funding, needed to carry out the pilot project;

(vi) possible penalties for individuals who do not respond to activation when called, in accordance with the rights and procedures set forth under title 5, Code of Federal Regulations; and

(vii) processes and requirements for training and ongoing professional development.

(B) **IMPLEMENTATION PLAN.**—Not later than one year after the date of the enactment of this Act, the Director shall—

(i) submit to the appropriate congressional committees an implementation plan for the pilot project; and

(ii) provide to the appropriate congressional committees a briefing on the implementation plan.

(C) **PROHIBITION.**—The Director may not take any action to begin implementation of the pilot project unless the Director fulfills the requirements under subparagraph (B).

(D) **PROJECT GUIDANCE.**—If the Director establishes the Civilian Cybersecurity Reserve not later than two years after the date of the enactment of this Act, the Director shall, in consultation with the Office of Personnel Management, the United States Office of Personnel Management, the Office of Government Ethics, issue guidance establishing and implementing the pilot project.

(2) **BRIEFINGS AND REPORT.**—

(A) **BRIEFINGS.**—Not later than one year after the date on which the Director issues guidance establishing and implementing the pilot project under paragraph (1), and every year thereafter on the date on which the pilot project terminates under subsection (d), the Director shall provide to the appropriate congressional committees a briefing on the activities carried out under the pilot project, including—

(i) participation in the Civilian Cybersecurity Reserve, including the number of participants, the diversity of participants, and any barriers to recruitment or retention of members;

(ii) an evaluation of the ethical requirements of the positions of the Civilian Cybersecurity Reserve, including the number of individuals in such positions, and the impact of these requirements on the diversity of participants, and any barriers to recruitment or retention of members;

(iii) whether the Civilian Cybersecurity Reserve has been effective in providing additional capacity to the Agency during significant incidents; and

(iv) an evaluation of the eligibility requirements for the pilot project.

(B) **REPORT.**—Not earlier than 180 days and not later than 90 days before the date on which the pilot project terminates under subsection (d), the Director shall submit to the appropriate congressional committees a report and provide a briefing on recommendations relating to the pilot project, including recommendations for—

(i) whether the pilot project should be modified, ended in duration, or established as a permanent program; and

(ii) an evaluation of the eligibility requirements for the pilot project.

(13) **EVALUATION.**—Not later than three years after the Civilian Cybersecurity Reserve is established under subsection (b), the Comptroller General of the United States shall—

(A) conduct a study evaluating the pilot project; and

(B) submit to Congress—

(i) a report on the results of the study; and

(ii) a recommendation with respect to whether the pilot project should be extended in duration, or established as a permanent program.

(d) **SUNSET.**—The pilot project required under subsection (b) shall terminate on the date that is four years after the date on which the pilot project is established.

(e) **NO ADDITIONAL FUNDS.**—

(1) **IN GENERAL.**—No additional funds are authorized to be appropriated for the purpose of carrying out this section.

(2) **EXISTING AUTHORIZED AMOUNTS.**—Funds to carry out this section may, as provided in advance in appropriations Acts, only come from amounts authorized to be appropriated to the Agency.

**TITLE LXI—MATTERS RELATING TO FOREIGN NATIONS**

Subtitle A—Assistance and Training

SEC. 6291. SECURITY COOPERATION ACTIVITIES AT COUNTER-UAS TRAINING ACADEMY.

(a) **SENSE OF CONGRESS.**—Congress—

(1) supports the Department of Defense’s decision to establish the Counter-UAS Training Academy at Fort Sill, Oklahoma (in this section referred to as the “C-UAS Academy”);

(2) believes the C-UAS Academy will play an important role in synchronizing training on counter-drone tactics across the military services;

(3) recognizes the important role of the C-UAS Academy in the military education and training of foreign partners on counter-unmanned aircraft systems operations; and

(4) encourages the Department of Defense to utilize the C-UAS Academy to expand such efforts.

(b) **BRIEFING ON SECURITY COOPERATION EFFORTS.**—Not later than 90 days after the date of the enactment of this Act, the 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 how the Department of Defense intends to bolster security cooperation activities with allies and partners at the C-UAS Academy, including an identification of risks to personnel in the UAS community that could inhibit these security cooperation efforts.
SEC. 6202. UNITED STATES - ISRAEL ARTIFICIAL INTELLIGENCE CENTER.

(a) Short Title.—This section may be cited as the "United States - Israel Artificial Intelligence Center Act"—

(b) Defined Term.—The term "foreign country of concern" means the People's Republic of China, the Socialist Republic of the People's Republic of Vietnam, the Democratic People's Republic of Korea, the Russian Federation, the Islamic Republic of Iran, and any other country that the Secretary of State determines is a foreign country of concern.

(c) Establishment of Center.—The Secretary of State, in consultation with the Secretary of Defense, shall establish the United States - Israel Artificial Intelligence Center (referred to in this section as the "Center") in the United States.

(d) Purpose.—The purpose of the Center shall be to leverage the experience, knowledge, and expertise of institutions of higher education, and expertise of institutions of higher education, and private sector entities in the United States and the State of Israel (referred to in this section as "Israel") to develop more robust research and development cooperation in the areas of—

(1) machine learning;
(2) artificial intelligence; (3) object detection; (4) speech recognition; (5) natural language processing; (6) computer vision; and
(7) computer vision; and
(8) model explainability and interpretability.

(e) Artificial Intelligence Principles.—In carrying out the purposes described in subsection (d), the Center shall adhere to the principles of artificial intelligence in the Federal Government set forth in section 3 of Executive Order 13960 (85 Fed. Reg. 78939).

(f) International Partnerships.—

(1) In General.—The Secretary of State and the heads of other relevant Federal agencies, subject to the availability of appropriated funds, may enter into agreements to support and enhance dialogue and planning involving international partnerships between the Departments of State or other agencies and the Government of Israel and its ministries, offices, and institutions.

(2) Federal Share.—Not more than 50 percent of the costs of implementing the agreements entered into pursuant to paragraph (1) may be paid by the United States Government.

(g) Limitations.—The Center is prohibited from receiving any investment from or contracting with—

(1) any individual or entity with ties to any entity affiliated (officially or unofficially) with the Chinese Communist Party, the People's Liberation Army, or the government of a foreign country of concern;
(2) any entity owned, controlled by, or affiliated with the Chinese Communist Party or the People's Republic of China, or in which the government of a foreign country of concern has a controlling interest; or

(3) any entity on the Entity List that is maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement A to part 744 of title 15, Code of Federal Regulations.

(h) Counterintelligence Screening.—Not later than 180 days after the date of enactment of this Act, and not later than each December 31 thereafter, Director of National Intelligence, in collaboration with the Director of the National Counterintelligence and Security Center and the Director of the Federal Bureau of Investigation, shall—

(1) assess—

(i) whether the Center or its participant institutions pose a counterintelligence threat to the United States;

(2) what specific measures the Center has implemented to ensure that intellectual property developed with the assistance of the Center has sufficient protections in place to preclude misuse of United States intellectual property, research and development, and innovation efforts; and

(3) other threats from a foreign country of concern and cooperate—

(2) submit a report to Congress containing the results of the assessment described in paragraph (1).

(i) Authorization of Appropriations.—There is authorized to be appropriated for the Center $100,000,000 for each of the fiscal years 2023 through 2027 to carry out this section.

Subtitle C—Matters Relating to Europe and the Russian Federation

SEC. 6211. BRIEFING ON SUPPORTING GOVERNMENT OF UKRAINE TO MITIGATE, PREVENT, AND REHABILITATE TRAUMATIC EXTREMITY INJURIES AND TRAUMATIC BRAIN INJURIES OF UKRAINIAN SOLDIERS.

(a) Sense of the Senate.—It is the sense of the Senate that—

(1) the treatment and rehabilitation of severely injured soldiers is of paramount importance to the United States and Ukraine as Ukraine continues to valiantly repulse an unprovoked invasion of its sovereignty by Russian aggression;

(2) the Senate applauds efforts by the Secretary of Defense to provide treatment in medical facilities of the United States Armed Forces through the Secretarial Designee Program; and

(3) the Senate encourages the Secretary to continue working with defense officials of Ukraine, and other governmental and private sources, to fund transportation, lodging, meals, caretakers, and any other nonmedical expenses necessary in connection with treatment for severely wounded Ukrainian soldiers.

(b) Briefing.—

(1) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall assess, and provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on, whether there is an appropriate role for the Extremity Trauma and Amputation Center of Excellence of the Department of Defense, and the National Intrepid Center of Excellence of the Department of Veterans Affairs, in helping the Government of Ukraine to mitigate, treat, and rehabilitate traumatic extremity injuries and traumatic brain injuries sustained in Ukraine.

(2) Elements.—The briefing required by paragraph (1) shall include the following:

(A) An assessment of the extent to which the Extremity Trauma and Amputation Center of Excellence and the National Intrepid Center of Excellence of the Department of Defense can facilitate relevant scientific research aimed at saving injured extremities, avoiding amputations, and preserving and restoring the function of injured extremities for the purpose of addressing the current medical needs of Ukraine;

(B) An identification of specific activities such Centers could feasibly undertake to improve and enhance the efforts of the Government of Ukraine in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and traumatic brain injuries;

(C) A determination whether there are other government agencies, institutions of higher education, or private entities, including international entities, with which such Centers could partner for the purpose of supporting the Government of Ukraine in such efforts.

SEC. 6212. PROHIBITION AGAINST UNITED STATES RECOGNITION OF THE RUSSIAN FEDERATION'S CLAIM OF SOVEREIGNTY OVER ANY PORTION OF UKRAINE.

(a) Statement of Policy.—It is the policy of the United States to recognize the Russian Federation's claim of sovereignty over any portion of the internationally-recognized territory of Ukraine, including its airspace and its territorial waters.

(b) Prohibition.—In accordance with subsection (a), no Federal department or agency may waive the requirements of subsection (a).
not apply to the transfer of technical data to an international partner for the production of large-caliber cannons produced for—

(A) the replacement of defense articles from the inventory of the Department of Defense provided to the Government of Ukraine or to foreign countries that have provided support to Ukraine at the request of the United States;

(B) contracts awarded by the Department of Defense to provide materiel directly to the Government of Ukraine.

(6) TEMPORARY EXEMPTION FROM CERTIFIED COST AND PRICING DATA REQUIREMENTS.—

(A) IN GENERAL.—The requirements under section 3702 of title 10, United States Code, shall not apply to a covered contract awarded on a Fixed Price Incentive Firm Target basis, where target price equals ceiling price, and the Government Underwrites Share ratio is 100 percent with a cap for profit of 15 percent of target cost.

(B) USE OF EXEMPTION.—The following shall apply to an exemption under subparagraph (A):

(i) Awarded profit dollars shall be fixed, but the contractor may ultimately realize a profit rate of higher than 15 percent in relation to the target cost.

(ii) The prices negotiated by the Federal Government shall not exceed the most recent negotiated prices for the same items while allowing for appropriate adjustments, including those for quantity differences or relevant, applicable economic indices.

(C) APPLICATION.—An exemption under subparagraph (A) shall apply to subcontracts under prime contracts that are exempt under this paragraph.

(7) TERMINATION OF TEMPORARY AUTHORIZATIONS.—The provisions of this subsection shall terminate on September 30, 2024.

(b) MODIFICATION OF COOPERATIVE LOGISTIC SUPPORT AGREEMENTS: NATO COUNTRIES.—Section 2529 of title 10, United States Code, is amended—

(A) in the section heading, by striking ‘‘logistic support’’ and inserting ‘‘acquisition and logistics support’’;

(B) in subsection (a)—

(i) in paragraph (1)—

(A) in the matter preceding paragraph (1), by striking ‘‘logistics support’’ and inserting ‘‘acquisition and logistics support’’;

(B) in paragraph (2), by striking ‘‘logistics support’’ and inserting ‘‘armaments and logistics support’’; and

(ii) in subparagraph (B), by striking ‘‘logistics support’’ and inserting ‘‘armaments and logistics support’’.

(C) in section 2529a of title 10, United States Code, is amended—

(i) in the section heading, by striking ‘‘logistics support’’ and inserting ‘‘acquisition and logistics support’’;

(ii) in paragraph (1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year is subject to the availability of appropriations for that purpose for such fiscal year.

(c) PROCUREMENT IN CONJUNCTION WITH EXISTING INTERNATIONAL PROGRAMS.—

(M) 1,000 M777 Howitzer.

(L) 20,000 AIM–120 Advanced Medium-Range Air-to-Air Missile (AMRAAM); and

(M) 1,000 M777 Howitzer.

(2) PROCUREMENT IN CONJUNCTION WITH EXISTING INTERNATIONAL PROGRAMS.—The Secretary may enter into one or more contracts for the support each place it appears and inserting "Partnership Agreement or

TERRITORY

(a) IDENTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and periodically as necessary thereafter, the President—

(1) shall submit to Congress a report identifying foreign persons that knowingly participated in a significant transaction; and

(A) for the sale, supply, or transfer (including transportation) of gold, directly or indirectly, to or from the Russian Federation or the Government of the Russian Federation, including from reserves of the Central Bank of the Russian Federation held outside the Russian Federation; or

(B) that otherwise involved gold in which the Government of the Russian Federation had any interest;

(2) shall impose the sanctions described in subsections (a)(1) with respect to such person; and

(3) may impose the sanctions described in subsections (a)(1) with respect to any such person that is an alien.

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) BLOCKING OF PROPERTY.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a foreign person identified in the report required under this section or in the report required under section 2364 (including from reserves of the Central Bank of the Russian Federation) and periodically as necessary thereafter.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1) shall—

(i) be inadmissible to the United States;

(ii) be otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1181 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subsection (a)(1) is subject to revocation of any

SECTION 6234. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER SOVEREIGN UKRAINIAN TERRITORY.

(a) IN GENERAL.—Section 1234 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–11, 135 Stat. 1974) is amended—

(1) in the section heading, by striking ‘‘CRIMEA’’ and inserting ‘‘SOVEREIGN UKRAINIAN TERRITORY’’; and

(2) in subsection (a), by striking ‘‘over Crimea’’ and inserting ‘‘over territory internationally recognized to be the sovereign territory of Ukraine, including Crimea and territory the Russian Federation claimed to have annexed in Kherson Oblast, Zaporizhzhia Oblast, Donetsk Oblast, and Luhansk Oblast’’.

(b) CERKLICAL AMENDMENTS.—The tables of sections in section 2(b) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–11, 135 Stat. 1974) and the beginning of title XII of such Act (135 Stat. 1956) are amended, in the matter relating to section 1234, by striking ‘‘Crimea’’ and inserting ‘‘sovereign Ukrainian territory’’.

SECTION 6235. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, OR TRANSFER OF GOLD TO OR FROM RUSSIA.

(a) IDENTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and periodically as necessary thereafter, the President—

(1) shall submit to Congress a report identifying foreign persons that knowingly participated in a significant transaction; and

(A) for the sale, supply, or transfer (including transportation) of gold, directly or indirectly, to or from the Russian Federation or the Government of the Russian Federation, including from reserves of the Central Bank of the Russian Federation held outside the Russian Federation; or

(B) that otherwise involved gold in which the Government of the Russian Federation had any interest; and

(2) shall impose the sanctions described in subsections (a)(1) with respect to such person; and

(3) may impose the sanctions described in subsections (a)(1) with respect to any such person that is an alien.

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) BLOCKING OF PROPERTY.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a foreign person identified in the report required under this section or in the report required under section 2364 (including from reserves of the Central Bank of the Russian Federation) and periodically as necessary thereafter.
visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall:

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien’s possession.

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise the authority provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PERSONS WHO VIOLATE.—Any person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) NATIONAL INTEREST WAIVER.—The President may waive the imposition of sanctions under this section with respect to a person if the President—

(1) determines that such a waiver is in the national interests of the United States; and

(2) submits to Congress a notification of the waiver and the reasons for the waiver.

(e) DEFINITIONS.—In this section:

(1) IN GENERAL.— Except as provided in paragraph (2), the requirement to impose sanctions under this section, and any sanctions imposed under this section, shall terminate on the earlier of—

(A) the date that is 3 years after the date of the enactment of this Act; or

(B) the date that is 30 days after the date on which the President certifies to Congress that—

(i) the Government of the Russian Federation has ceased its destabilizing activities with respect to the sovereignty and territorial integrity of Ukraine; and

(ii) such termination in the national interests of the United States.

(2) TRANSITION RULES.—

(A) CONTINUATION OF CERTAIN AUTHORITY.—Any authorities exercised before the termination date under paragraph (1) to impose sanctions with respect to a foreign person under this section may continue to be exercised in the same manner as on the date if the President determines that the continuation of those authorities is in the national interests of the United States.

(B) APPLICATION TO ONGOING INVESTIGATIONS.—The termination date under paragraph (1) shall not apply to any investigation of a civil or criminal violation of this section or any regulation, license, or order issued to carry out this section, or the imposition of a civil or criminal penalty for such a violation, if—

(I) such violation occurred before the termination date; or

(II) the person involved in the violation continues to be subject to sanctions pursuant to subparagraph (A).

(f) EXCEPTIONS.—

(1) EXCEPTIONS FOR AUTHORIZED INTELLIGENCE AND LAW ENFORCEMENT AND NATIONAL SECURITY ACTIVITIES.—This section shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3001 et seq.) of any authorized intelligence, law enforcement, or national security activities of the United States.

(2) EXCLUSION OF CERTAIN FUNCTIONS.—Sanctions under subsection (b)(2) may not apply with respect to the admission of an alien to the United States if such admission is necessary to comply with the obligations of the United States under the Agreement regarding the Headquarters of the United Nations, signed at Lake Success, New York, and entered into force November 21, 1947, between the United Nations and the United States, or the Convention on Consular Relations, done at Vienna, June 29, 1963, and entered into force March 19, 1967, or other international obligations.

(3) HUMANITARIAN EXEMPTION.—The President shall not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices, or for the provision of humanitarian assistance.

(4) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The requirement or authority to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ‘good’ means any article, natural or manmade substance, material, supply, or commodity, including a weapon, test equipment, and excluding technical data.

(g) DEFINITIONS.—In this section:


(2) The term ‘foreign person’ means an individual or entity that is not a United States person.

(3) The term ‘knowingly’, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) The term ‘United States person’ means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

Subtitle D—Matters Relating to the Indo-Pacific Region

SEC. 6241. REVIEW OF PORT AND PORT-RELATED INFRASTRUCTURE PURCHASES AND INVESTMENTS MADE BY THE GOVERNMENT OF THE REPUBLIC OF CHINA AND ENTITIES DIRECTED OR BACKED BY THE GOVERNMENT OF THE 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 considers necessary, shall conduct a review of port and port-related infrastructure purchases, investments, and test equipment, and excluding technical data.

(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 purchases, or the assertion of control by the Government of the People’s Republic of China, described in paragraphs (2) or (3) of subsection (a), and the data and cyber security risks posed by such integration.

(3) A description of the integration into ports of technologies developed and produced by the Government of the People’s Republic of China, or entities described in paragraphs (2) or (3) of subsection (a), and the analysis of the national interests of the United States.

(c) COORDINATION WITH OTHER FEDERAL AGENCIES.—In conducting the review required by subsection (a), the Secretary of State may coordinate with the head of any other Federal agency, as the Secretary of State considers appropriate.

(d) 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 committees of Congress a report on the results of the review under subsection (a).

(e) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(f) DEFINITIONS.—In this section:

(A) APPROPRIATE COMMITTEE OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

(i) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(B) PORT.—The term ‘port’ means—

(i) any port—

(A) on the navigable waters of the United States; or

(B) that is considered by the Secretary of State to be critical to United States interests;

and

(ii) any harbor, marine terminal, or other shore-side facility used principally for the movement of goods on inland waters that the Secretary of State considers critical to United States interests.

(C) PORT-RELATED INFRASTRUCTURE.—The term ‘port-related infrastructure’ includes—

(A) crane equipment;

(B) logistics, information, and communications systems; and

(C) any other infrastructure the Secretary of State considers appropriate.

SEC. 6242. SPECIAL ENVOY TO THE PACIFIC ISLANDS FORUM.

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

(1) the United States must increase its diplomatic activity and presence in the Pacific, particularly among Pacific Island nations; and

(2) the Special Envoy to the Pacific Islands Forum—

(A) should be used to coordinate policies across the Pacific region with like-minded democracies; and
(B) should have a direct line to the Presi-
 STRATEGY.—Section 6(b) of such Act (22 U.S.C. 9303(b)) is amended—
(1) by striking "$1,000,000,000 for each of fiscal years 2017 through 2023" and inserting "$1,200,000,000 for each of the fiscal years 2024 through 2028"; and
(2) by adding at the end the following:
"(2) in paragraph (1), as redesignated, by striking "section 5, complete country graduation reports to determine whether a country should remain a target country based on quantitative and qualitative analysis.";".

SEC. 6272. ENDING GLOBAL WILDLIFE POACHING AND TRAFFICKING.
(a) SHORT TITLE.—This section may be cited as the "Eliminate, Neutralize, and Disrupt Wildlife Trafficking Reauthorization and Improvements Act of 2022".
(b) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the United States Government should continue to work with international partners, including nations, nongovernmental organizations, and the private sector, to identify long-standing and emerging areas of concern in wildlife poaching and trafficking related to global supply and demand; and
(2) wildlife trafficking activities required reporting of the Presidential Task Force on Wildlife Trafficking, established by Executive Order 13648 (78 Fed. Reg. 4962), and modified by sections 7(b) and 301 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7621 and 7631) should be reauthorized to minimize the disruption of the work of such Task Force.
(c) DEFINITIONS.—Section 2 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7601) is amended—
(1) in paragraph (1), by striking "involving local communities" after "approach to conservation";
(2) by amending paragraph (4) to read as follows:
"(4) COUNTRY OF CONCERN.—The term 'country of concern' means a foreign country specially designated by the Secretary of State pursuant to section 301(b) as a major source of wildlife trafficking products or their derivatives, a major transit point of wildlife trafficking products or their derivatives, or a major consumer of wildlife trafficking products, in which—
(A) the government has actively engaged in, or knowingly profited from, the trafficking of protected species; or
(B) the government facilitates such trafficking through conduct that may include a persistent failure to take sustained efforts to prevent and prosecute such trafficking.;" and
(3) in paragraph (11), by striking "section 20" and inserting "section 301".
(d) FRAMEWORK FOR INTERAGENCY RESPONSE AND REPORTING.—
(1) REAUTHORIZATION OF REPORT ON MAJOR WILDLIFE TRAFFICKING COUNTRIES.—Section 301(c) of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7621) is amended—
(2) Periodic Updates.—Section 5 of the Global Food Security Act of 2016 (22 U.S.C. 9305) is amended by adding at the end the following:
"(f) PERIODIC UPDATES.—Section 5 of the Global Food Security Act of 2016 (22 U.S.C. 9305), as amended by subsection (e), is further amended by adding at the end the following:
"(d) Periodic Updates.—Not less frequently, but not less frequently than annually through fiscal year 2030, the President, in consultation with the head of each relevant Federal department and agency, shall submit to the appropriate congressional committees updates to the Global Food Security Strategy required under subsection (a) and the agency-specific plans and actions required under subsection (c).".
(g) Authorization of Appropriations to Implement the Global Food Security Strategy.—Section 6(b) of such Act (22 U.S.C. 9303(b)) is amended—
(1) by striking "$1,000,000,000 for each of fiscal years 2017 through 2023" and inserting "$1,200,000,000 for each of the fiscal years 2024 through 2028"; and
(2) by adding at the end the following:
"(b) EMERGENCY FOOD SECURITY PROGRAM.—(1) In General.—Section 7 of the Global Food Security Act of 2016 (22 U.S.C. 9306) is amended by striking "(a) SENSE OF CONGRESS.—" and inserting "It shall be" and inserting "It shall be.
(2) AUTHORIZATION OF APPROPRIATIONS.—Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a(a)) is amended by striking "$2,794,184,000 for each of fiscal years 2017 through 2023, of which up to $1,257,382,000 and inserting "$3,905,460,000 for each of the fiscal years 2024 through 2028, of which up to $1,757,457,000.";
(3) REPORTS.—Section 8(a) of the Global Food Security Act of 2016 (22 U.S.C. 9307) is amended—
(1) in the matter preceding paragraph (1)—
(A) by striking "During each of the first 7 years after the submission of the strategy required under section 5(c)," and inserting "For each of the fiscal years 2024 through 2028,";
(B) by striking "reports that describe" and inserting "a report that describes"; and
(C) by striking "at the end of the reporting period" and inserting "during the preceding year";
(2) in paragraph (2), by inserting "including any changes to the target countries selected pursuant to the selection criteria described in section 5(a)(2) and justifications for any such changes" before the semicolon at the end;
(3) in paragraph (3), by inserting "identify and" before "describe";
(4) by redesignating paragraphs (12) through (14) as paragraphs (13) through (15), respectively;
(5) by redesignating paragraphs (5) through (11) as paragraphs (7) through (13), respectively;
(6) by striking paragraph (4) and inserting the following:
"(4) identify and describe the priority quantitative metrics used to establish baselines and performance targets at the country and zone of influence levels;";
(7) in paragraph (7), as redesignated, by striking "section 6(c)(2);" and
(8) in paragraph (8), as redesignated—
(A) by striking "quantitative and qualitative" after "how;" and
(B) by inserting "at the initiative, country, and zone of influence levels, including longitudinal data and key uncertainties" before the semicolon at the end;
(9) in paragraph (9), as redesignated, by striking "within target countries, amounts and justification for any spending outside of target countries'" after "amounts spent";
(10) in paragraph (10), as redesignated, by striking "and the impact of private sector investment" and inserting "and efforts to encourage financial donor burden sharing and the impact of such investment and efforts;";
(11) by inserting after paragraph (13), as redesignated, the following—
"(14) describe how agriculture research is prioritized within the Global Food Security Strategy to support agriculture-led growth and development, efforts to coordinate research programs within the Global Food Security Strategy with key stakeholders;
(12) in paragraph (16), as redesignated, by striking "and" at the end;";
(13) in paragraph (17), as redesignated—
(A) by inserting "including key challenges or mistakes," after "lessons learned;" and
(B) by striking the period at the end and inserting "and;"; and
(14) by adding at the end the following:
"(15) during the final year of each strategy required under section 5, complete country graduation reports to determine whether a country should remain a target country based on quantitative and qualitative analysis.";".
and measure inputs, outputs, law enforcement outcomes, and the market for wildlife products for each focus country listed in the report, including baseline measures, as appropriate. Objectives in each focus country to determine the effectiveness and appropriateness of such indicators to assess progress and whether additional or separate indicators are necessary for focus countries.

(b) In subsection (e), by striking "5 years after" and all that follows and inserting "on September 30, 2024, and each

SEC. 6274. CENTER FOR EXCELLENCE IN ENVIRONMENTAL SECURITY.

(a) In GENERAL.—Chapter 7 of title 10, United States Code, is amended by inserting after section 182 the following new section:

"SEC. 182a. CENTER FOR EXCELLENCE IN ENVIRONMENTAL SECURITY.

"(a) Establishment.—The Secretary of Defense may operate a Center for Excellence in Environmental Security (in this section referred to as the 'Center').

"(b) Mission.—The Center shall be used to provide and facilitate education, training, and research in civil-military operations, particularly operations that require international assistance and operations that require coordination between the Department of Defense and other agencies.

"(2) The Center shall be used to provide and facilitate education, training, inter-agency coordination, and research on the following additional matters:

"(A) Management of the consequences of environmental insecurity with respect to:

"(i) access to water, food, and energy;

"(ii) related health matters; and

"(iii) matters relating to when, how, and why environmental insecurity, threats to human health, water, energy, and food will cascade to economic, social, political, or national security events.

"(B) Appropriate roles for the reserve components in response to environmental insecurity resulting from natural disasters.

"(C) Meeting requirements for information in connection with regional and global disasters, including the use of advanced communications technology as a virtual library.

"(3) The Center shall be granted access to the data, archives, talent and physical capabilities of all Federal agencies to enable the development of global environmental indicators.

"(4) The Center shall perform such other functions as the Secretary may specify.

"(c) Joint Operation with Educational Institutions.—The Secretary of Defense may enter into an agreement with the Department of the Interior, the Environmental Protection Agency, the National Aeronautics and Space Administration, or other appropriate Federal departments and agencies to provide for the institution of necessary administrative services for the Center, including administration and allocation of funds, as determined by the Secretary.

SEC. 6275. TECHNICAL AND OTHER MISCELLANEOUS AMENDMENTS.

(a) Removal of Recess.—In the first report required under this section submitted after the date of the enactment of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Reauthorizations Act of 2022, the Secretary of State, in consultation with the Secretary of the Interior and the Secretary of Defense, shall publish in the Federal Register, a procedure for removing from the list in the biennial report any country of concern that no longer meets the definition of country of concern under section 2(4).

(b) Sunset.—This section shall cease to have force or effect on September 30, 2023.

(2) Presidential Task Force on Wildlife Trafficking Responsibilities.—Section 301(a) of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7631) is amended—

(A) in paragraph (4), by striking "and" at the end; and

(B) by redesignating paragraph (5) as paragraph (9); and

(c) by inserting after paragraph (4) the following:

"(5) To pursue programs and develop a strategy—

"(A) to expand the role of technology for anti-poaching and anti-trafficking efforts, in partnership with the private sector, foreign governments, and non-governmental organizations (including technology companies and the transportation and logistics sector); and

"(B) to enable local governments to develop and use such technologies;

"(6) to consider programs and initiatives that address the expansion of the illegal wildlife trade to digital platforms, including the use of digital currency and payment platforms for transactions by collaborating with the private sector, foreign governments, and non-governmental organizations (including technology companies and the transportation and logistics sector); and

"(7) to set benchmarks for measuring the effectiveness of such interventions; and

"(C) to consider alignment and coordination with indicators developed by the Task Force; and

"(D) to consider additional opportunities to increase coordination between law enforcement and financial institutions to identify and facilitate smuggling, and demand for illegal wildlife and wildlife products in focus countries and countries of concern.

"(3) Presidential Task Force on Wildlife Trafficking Strategic Review.—Section 301 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7631), as amended by paragraph (2), is further amended—

(A) in subsection (d)–

(i) by striking paragraph (1), by striking "annually" and inserting "biennially";

(ii) in paragraph (4), by striking "and" at the end and inserting ";"

(iii) in paragraph (5), by striking the period at the end and inserting ";"; and

(iv) by adding at the end the following:

"(6) The Secretary shall establish indicators developed by the Task Force, and recommended by the Government Accountability Office, to track and measure the progress of the Department of Defense to achieve the objectives described in paragraphs (1) through (4) of this subsection.

"(7) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a foreign donation would have a re-
Ecuador, including its development of the ECU-911 video surveillance and facial recognition system, financing of the corruptly managed and environmentally deleterious Coca River project, and support for illegal, unreported, and unregulated fishing practices around the Galapagos Islands, pose risks to democratic governance and biodiversity in Ecuador.

(8) Ecuador, which is home to several of the Earth’s most biodiverse ecosystems, including the Galapagos Islands, the headwaters of the Amazon river, the Condor mountain range, and the Yasuni Biosphere Reserve, has seen a reduction in its rainforests between 1990 and 2016, due in part to the invasion of criminal networks into protected areas.

(9) On March 24, 2021, the Senate unanimously approved Senate Resolution 22 (117th Congress), reaffirming the partnership between the United States and the Republic of Ecuador, and recognizing the restoration and advancement of economic relations, security, and development opportunities in both nations.

(10) On August 13, 2021, the United States and Ecuador celebrated the entry into force of the Trans-Pacific Partnership Agreement, strengthening the United States-Ecuador partnership and strengthening the United States-Ecuador relationship.

SEC. 6283. SENATE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should take additional steps to strengthen its bilateral partnership with Ecuador, including by developing robust trade and investment frameworks, law enforcement cooperation, renewing the activities of the United States Agency for International Development in Ecuador, and supporting Ecuador’s response to and recovery from the COVID-19 pandemic, as necessary and appropriate; and

(2) strengthening the United States-Ecuador partnership presents an opportunity to advance United States national security interests and work with other democratic partners to maintain a prosperous, politically stable, and democratic Western Hemisphere that is resilient to malign foreign influence.

SEC. 6284. FACILITATING ECONOMIC AND COMMERCIAL TIES.

The Secretary of State, in coordination with the Secretary of Commerce, the United States Trade Representative, the Secretary of the Treasury, and the heads of other relevant Federal departments and agencies, as appropriate, shall develop and implement a strategy and related programs to support inclusive economic development across Ecuador’s national territory by—

(1) facilitating increased access to public and private financing, equity investments, grants, and market access for small and medium-sized enterprises;

(2) providing technical assistance to local governments to formulate and enact local development plans that invest in Indigenous and Afro-Ecuadorian communities;

(3) connecting rural agricultural networks, including Indigenous and Afro-Ecuadorian agricultural networks, to consumers in urban consumers using infrastructure construction and maintenance programs that are subject to audits and carefully designed to minimize potential environmental damage;

(4) partnering with local governments, the private sector, and local civil society organizations, including organizations representing marginalized communities and faith-based organizations, to provide skills training and investment in support of initiatives that provide economically viable, legal alternatives to participating in illegal economies and;

(5) connecting small-scale fishing enterprises to consumers and export markets, in order to reduce vulnerability to organized criminal networks.

SEC. 6285. PROMOTING INCLUSIVE ECONOMIC DEVELOPMENT.

The Administrator of the United States Agency for International Development, in coordination with the Secretary of State and the heads of other relevant Federal departments and agencies, as appropriate, shall develop and implement a strategy and related programs to support inclusive economic development across Ecuador’s national territory by—

(1) providing technical assistance and support to professional and civil society organizations, including organizations representing families, to improve government services with the greatest potential to improve transparency, lower business costs, and expand citizens’ access to public services and public information;

(2) the provision of transparent and affordable access to the internet and digital infrastructure; and

(3) best practices to mitigate the risks to digital infrastructure by doing business with communication networks and telecommunications supply chains with equipment and services from countries identified as unacceptable to pressure from governments or security services without reliable legal checks on governmental powers; and

(4) identifying, as appropriate, a role for the United States International Development Finance Corporation, the Millennium Challenge Corporation, the United States Agency for International Development, and the United States private sector in supporting efforts to increase private sector investment and strengthen economic prosperity.

SEC. 6286. COMBATING ILLICIT ECONOMIES, CORRUPTION, AND NEGATIVE FOREIGN DIRECT INVESTMENTS.

The Secretary of State shall develop and implement a strategy and related programs to increase the capacity of Ecuador’s justice system and law enforcement authorities to combat illicit economies, corruption, transnational criminal organizations, and the harmful influence of malign foreign and domestic actors by—

(1) providing technical assistance and support to specialized units within the Attorney General’s office to combat corruption and to promote and protect internationally recognized human rights in Ecuador, including the Transparency and Anti-Corruption Unit, the Anti-Money Laundering Unit, the Task Force to Combat Corruption in Central America, and the Environmental Crimes Unit;

(2) strengthening bilateral assistance and complementary support through multilateral anti-corruption mechanisms, as necessary and appropriate, to counter corruption and recover assets derived from corruption, including through strengthening independent inspectors general to track and record corruption;

(3) improving the technical capacity of prosecutors and financial institutions in Ecuador to combat corruption by—

(a) increasing support for training and equipment; and

(b) combating money laundering, financial crimes, and export fraud;

(4) providing technical assistance and material support (including, as appropriate, radars, vessels, and communications equipment) to vetted, specialized units of Ecuador’s national police and the armed services to disrupt, degrade, and dismantle organizations involved in illicit narcotics trafficking, transnational criminal activities, money laundering, illicit trade, and unreported fishing, among other illicit activities;

(5) providing technical assistance to address challenges related to Ecuador’s penitentiary and corrections system;

(6) strengthening the regulatory framework of mining through collaboration with key Ecuadorian institutions, such as the Interior Ministry’s Special Commission for the Control of Illegal Mining and the National Police’s Investigative Unit on Mining Crimes, and providing technical assistance in support of their law enforcement activities;

(7) providing technical assistance to judges, prosecutors, and ombudsmen to increase capacity to detect and combat human smuggling and trafficking, illicit mining, illegal logging, illegal, unregulated, and unreported (IUU) fishing, and other illicit economic activities;

(8) providing support to the Government of Ecuador to prevent illegal, unreported, and unregulated fishing, including through expanding detection and response capabilities, and the use of deep water vessel trawling technology;

(9) supporting multilateral efforts to stem illicitly transported, aliage and unreported fishing with neighboring countries in South America and within the South Pacific Regional Fisheries Management Organisation;

(10) assisting the Government of Ecuador’s efforts to protect defenders of internationally recognized human rights, including through the work of the Office of the Ombudsman of Ecuador, and by encouraging the inclusion of Indigenous communities and civil society organizations in this process;

(11) supporting efforts to improve transnational police and judicial capacity within the Office of the Comptroller General;
(12) enhancing the institutional capacity and technical capabilities of defense and security institutions of Ecuador to conduct national or regional security missions, including through technical and multilateral cooperation, foreign military financing, international military education, and training programs, consistent with applicable Ecuadorian laws;

(13) enhancing port management and maritime security partnerships to disrupt, degrade, and dismantle transnational criminal networks; and

(14) strengthening cybersecurity cooperation—
(A) to effectively respond to cybersecurity threats, including state-sponsored threats;
(B) to share best practices to combat such threats;
(C) to help develop and implement information architectures that respect individual privacy rights and reduce the risk that data collected through such systems will be exploited by malign state and non-state actors;
(D) to strengthen resilience against cyberattacks, misinformation, and propaganda; and
(E) to strengthen the resilience of critical infrastructure.

SEC. 6287. STRENGTHENING DEMOCRATIC GOVERNANCE.
(a) STRENGTHENING DEMOCRATIC GOVERNANCE.—The Secretary of State, in coordination with the Secretary of Defense and the heads of other relevant Federal departments and agencies, shall develop and implement initiatives to strengthen democratic governance in Ecuador by supporting—
(1) measures to improve the capacity of national and subnational government institutions to govern through transparent, inclusive, and accountable processes;
(2) efforts that measurably enhance the capacity of political actors and parties to strengthen democratic institutions and the rule of law;
(3) initiatives to strengthen democratic governance, including combating political, administrative, and judicial corruption and improving transparency of the administration of public budgets; and
(4) the efforts of civil society organizations and independent media—
(A) to conduct oversight of the Government of Ecuador and the National Assembly of Ecuador;
(B) to promote initiatives that strengthen democratic accountability, anti-corruption standards, and public and private sector transparency; and
(C) to foster political engagement between the Government of Ecuador, including the National Assembly of Ecuador, and all parts of Ecuadorian society, including women, indigenous communities, and Afro-Ecuadorian communities.
(b) LEGISLATIVE STRENGTHENING.—The Administrator of the United States Agency for International Development, working through the Collaborations and Political Process Strengthening or any equivalent or successor mechanism, shall develop and implement programs to strengthen the National Assembly of Ecuador by providing training and technical assistance to—
(1) members and committee offices of the National Assembly of Ecuador, including the Ethics Committee and Audit Committee;
(2) assist in the creation of entities that can offer comprehensive and independent research analysis on legislative and oversight matters pending before the National Assembly, including budgetary and economic issues; and
(3) promote democratic governance and government transparency, including through effective legislation.

(c) BILATERAL LEGISLATIVE COOPERATION.—To the degree practicable, in implementing the programs required under subsection (b), the Administrator of the United States Agency for International Development shall facilitate meetings and collaboration between members of the United States Congress and the National Assembly of Ecuador.

SEC. 6288. CONSERVATION AND STEWARDSHIP.

The Administrator of the United States Agency for International Development, in coordination with the Secretary of State and the heads of other relevant Federal departments and agencies, shall develop and implement programs and enhance existing programs, as appropriate, to improve ecosystem conservation and enhance the effective stewardship of Ecuador's natural resources by—
(1) providing technical assistance to Ecuador's Ministry of the Environment to safeguard national parks and protected forests and protected species, while promoting the participation of Indigenous communities in this process;
(2) strengthening the capacity of communities to access the right to prior consultation, as defined in the Constitution of Ecuador and related laws, executive decrees, administrative acts, and ministerial regulations;
(3) supporting Indigenous and Afro-Ecuadorian communities as they raise awareness of threats to biodiversity ancestral lands, including through support for local media in such communities and technical assistance to monitor illicit activities;
(4) partnering with the Government of Ecuador in support of reforestation and improving river, lake, and coastal water quality;
(5) providing assistance to communities affected by illegal mining and deforestation; and
(6) fostering mechanisms for cooperation on emergency preparedness and rapid recovery from natural disasters, including—
(A) establishing regional preparedness, recovery, and emergency management centers to facilitate rapid response to survey and help maintain planning on regional disaster anticipated resources; and
(B) training disaster recovery officials on latest techniques and lessons learned from United States experiences.

SEC. 6289A. REPORTING REQUIREMENTS.
(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should undertake efforts to cooperate with the Government of Ecuador to—
(1) ensure protections for the Galápagos Marine Reserve;
(2) deter illegal, unreported, and unregulated fishing; and
(3) increase interdiction of narcotics trafficking and other forms of illicit trafficking.
(b) AUTHORIZATION TO TRANSFER EXCESS COAST GUARD VESSELS TO THE GOVERNMENT OF ECUADOR.—The President shall conduct a joint assessment with the Government of Ecuador to ensure sufficient capacity exists to maintain island class cutters. Upon completion of a favorable assessment, the President is authorized to transfer up to two ISLAND class cutters to the Government of Ecuador as excess defense articles pursuant to the authority of section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).
(c) THE APPROPRIATE CONGRESSIONAL COMMITTEE.—The Committee on Foreign Relations of the Senate and the Committee on Appropriations of the House of Representatives.

SEC. 6290. FUNDING.

This subtitle is effective when funds are available for fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

SEC. 6291. SUNSET.

This subtitle shall terminate on the date that is 5 years after the date of the enactment of this Act.

Subtitle H—International Pandemic Preparedness

SEC. 6291. SHORT TITLE.

This subtitle may be cited as the “International Pandemic Preparedness and COVID–19 Response Act of 2022”.

SEC. 6292. DEFINITIONS.

In this subtitle—
(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means—
(A) the Committee on Foreign Relations of the Senate;
(B) the Committee on Appropriations of the Senate;
(C) the Committee on Foreign Affairs of the House of Representatives; and
(D) the Committee on Appropriations of the House of Representatives.

(2) GLOBAL HEALTH SECURITY AGENDA; GHSA.—The terms “Global Health Security Agenda; GHSA” mean the multilateral initiative launched in 2014, and renewed in 2018, that brings together countries, regions, international organizations, non-governmental organizations, and the private sector—
(A) to elevate global health security as a national-level policy goal;
(B) to share best practices; and
(C) to facilitate national capacity to comply with and adhere to—

(i) the International Health Regulations (2005);
(ii) the international standards and guidelines established by the World Organisation for Animal Health;
(iii) United Nations Security Council Resolution 1540 (2004);
(iv) the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological and Toxin Weapons and on their Destruction, done at Washing- ton, London, and Moscow, April 10, 1972 (commonly referred to as the “Biological Weapons Convention”);
(v) the Global Health Security Agenda 2024 Framework; and
(vi) other relevant frameworks that contribute to global health security.

(3) GLOBAL HEALTH SECURITY INDEX.—The term “Global Health Security Index” means the comprehensive assessment and benchmarking of health security and related capabilities across the countries that make up the States Parties to the International Health Regulations (2005).

(4) GLOBAL HEALTH SECURITY INITIATIVE.—The term “Global Health Security Initiative” means the informal network of countries and organizations that came together in 2001, to undertake concerted global action to strengthen public health preparedness and response to chemical, biological, radiological, and nuclear threats, including pandemic influenza.


(6) JOINT EXTERNAL EVALUATION.—The term “Joint External Evaluation” means the voluntary, collaborative, multi-sectoral process facilitated by the World Health Organization and the State Parties to the International Health Regulations, as renewed in 2018, that brings together countries, regions, international organizations, non-governmental organizations, and the private sector—
(A) to elevate global health security as a national-level policy goal;
(B) to share best practices; and
(C) to facilitate national capacity to comply with and adhere to—

(i) the International Health Regulations (2005);
(ii) the international standards and guidelines established by the World Organisation for Animal Health;
(iii) United Nations Security Council Resolution 1540 (2004);
(v) the Global Health Security Agenda 2024 Framework; and
(vi) other relevant frameworks that contribute to global health security.

(7) JOINT EXTERNAL EVALUATION, SIMULATION EXERCISES, AND AFTER-ACTION REVIEWS.—The term “Joint External Evaluation, simulation exercises, and after-action reviews” means the voluntary, collaborative, multi-sectoral process facilitated by the World Health Organization and the State Parties to the International Health Regulations, as renewed in 2018, that brings together countries, regions, international organizations, non-governmental organizations, and the private sector—
(A) to elevate global health security as a national-level policy goal;
(B) to share best practices; and
(C) to facilitate national capacity to comply with and adhere to—

(i) the International Health Regulations (2005);
(ii) the international standards and guidelines established by the World Organisation for Animal Health;
(iii) United Nations Security Council Resolution 1540 (2004);
(v) the Global Health Security Agenda 2024 Framework; and
(vi) other relevant frameworks that contribute to global health security.

(8) ONE HEALTH APPROACH.—The term “One Health approach” means the collaborative, multidisciplinary approach toward achieving optimal health outcomes in a manner that recognizes the interconnectedness between people, animals, plants, and their shared environment.

(9) PANDEMIC PREPAREDNESS.—The term “pandemic preparedness” refers to the actions taken to establish and sustain the capacities and capabilities necessary to rapidly identify, prevent, protect against, and respond to the emergence, reemergence, and spread of pathogens of pandemic potential.

(10) PARTNER COUNTRY.—The term “partner country” means a foreign country in which the relevant Federal departments and agencies are implementing United States foreign assistance to build global health security and pandemic prevention and preparedness under this section.

(11) RELEVANT FEDERAL DEPARTMENTS AND AGENCIES.—The term “relevant Federal departments and agencies” means any Federal department or agency implementing United States policies and programs relevant to the United States’ advancement of global health security and diplomacy overseas, which may include—

(A) the Department of State;
(B) the United States Agency for International Development;
(C) the Department of Health and Human Services;
(D) the Department of Defense;
(E) the Defense Threat Reduction Agency;
(F) the Millennium Challenge Corporation;
(G) the Development Finance Corporation;
(H) the Peace Corps; and
(I) any other department or agency that the President determines to be relevant for these purposes.

(12) RESILIENCE.—The term “resilience” means the ability of people, households, communities, systems, institutions, countries, and regions to reduce, mitigate, withstand, adapt to, and quickly recover from shocks and stresses in a manner that reduces chronic vulnerability to the emergence, re-emergence, and spread of pathogens of pandemic potential and facilitates inclusive growth.

(13) RESPOND AND RESPONSE.—The terms “respond” and “response” mean the actions taken to counter an infectious disease.

(14) USAID.—The term “USAID” means the United States Agency for International Development.

SEC. 6293. ENHANCING THE UNITED STATES’ INTERNATIONAL RESPONSE TO THE COVID–19 PANDEMIC.

(a) STATEMENT OF POLICY REGARDING INTERNATIONAL COOPERATION TO END THE COVID–19 PANDEMIC.—It is the policy of the United States to lead and implement a comprehensive and coordinated international response to end the COVID–19 pandemic in a manner that recognizes the critical role that multilateral and regional organizations can and should play in pandemic prevention, preparedness, and response by—

(1) seeking adoption of a United Nations Security Council resolution that—

(A) declares pandemics, including the COVID–19 pandemic, to be threats to international peace and security; and
(B) urges member states to address such threats through aligning their health and security plans with international best practices, including practices established by the Global Health Security Agenda, to improve country capacity to detect and respond to infectious disease threats of pandemic potential;

(2) advancing efforts to reform the World Health Organization to serve as an effective, normative, and coordinating body that is capable of aligning member countries around a strategic operating plan to detect, contain, treat, and deter the further spread of COVID–19;

(3) providing timely, appropriate levels of financial support to United Nations agencies, multilateral facilities, and other partners responding to the COVID–19 pandemic;

(4) prioritizing United States foreign assistance for the COVID–19 response in the world’s most vulnerable countries and regions;

(5) encouraging other donor governments to similarly increase contributions to the United Nations agencies, multilateral facilities, and other partners responding to the COVID–19 pandemic in the world’s poorest and most vulnerable countries;

(6) engaging with key stakeholders to accelerate progress toward meeting and exceeding, as practicable, global COVID–19 vaccination goals;

(7) engaging with key stakeholders, including through multilateral facilities such as the COVID–19 Vaccines Global Access initiative (referred to in this section as “COVAX”) and the Access to COVID–19 Tools (ACT) Accelerator initiative, to—

(A) strengthen and supplement existing commitments to the COVAX Facility and the ACT to ensure adequate and timely COVID–19 vaccine access in partner countries;
(B) engage with key stakeholders to accelerate progress toward meeting and exceeding, as practicable, global COVID–19 vaccination goals;

(8) engaging with key stakeholders, including through multilateral facilities such as the COVID–19 Vaccines Global Access initiative (referred to in this section as “COVAX”) and the Access to COVID–19 Tools (ACT) Accelerator initiative, to—

(A) strengthen and supplement existing commitments to the COVAX Facility and the ACT to ensure adequate and timely COVID–19 vaccine access in partner countries;
(B) engage with key stakeholders to accelerate progress toward meeting and exceeding, as practicable, global COVID–19 vaccination goals;

(9) supporting global COVID–19 vaccine distribution strategies and activities under this section;

(A) strengthening health systems for global health security and pandemic prevention, preparedness, and response; and
(B) engaging with key stakeholders to accelerate progress toward meeting and exceeding, as practicable, global COVID–19 vaccination goals;

(10) generating commitments of resources in support of the vaccination goals referred to in paragraph (6).

(b) STRATEGIES AND ACTIVITIES.—The President shall, to the extent practicable, and consistent with laws, regulations, treaty obligations, and agreements, and in consultation with key stakeholders, including the World Bank Group, the United Nations, the International Monetary Fund, the United States International Development Finance Corporation, relevant bilateral financial institutions, to address the economic and financial implications of the COVID–19 pandemic, while taking into account the health needs of disproportionately affected, vulnerable, and marginalized populations;
(b) GLOBAL COVID–19 VACCINE DISTRIBUTION AND DELIVERY.—

(1) ACCELERATING GLOBAL VACCINE DISTRIBUTION STRATEGY.—The President shall develop a strategy to expand access to, and accelerate the global distribution of, COVID–19 vaccines to other countries. This strategy shall—

(A) identify the countries that—

(i) have the highest infection and death rates due to COVID–19;

(ii) have the lowest COVID–19 vaccination rates; and

(iii) face the most difficult political, logistical, and financial challenges to obtaining COVID–19 vaccines;

(B) describe the basis and metrics used to identify the countries described in subparagraph (A); and

(C) identify which countries and regions will be prioritized and targeted for COVID–19 vaccine delivery, and the rationale for such prioritization;

(D) describe efforts that the United States is making to increase COVID–19 vaccine manufacturing capacity, both domestically and internationally, as appropriate, through support for the establishment or refurbishment of regional manufacturing hubs in South America, Southern Africa, and South Asia, including through the provision of international development finance;

(E) estimate when, how many, and which types of vaccines will be provided by the United States Government bilaterally and through COVAX;

(F) describe efforts to encourage international partners to take actions similar to the efforts referred to in subparagraph (D);

(G) describe how the United States Government will ensure the efficient delivery of COVID–19 vaccines to intended recipients, including United States citizens residing overseas;

(H) identify complementary United States foreign assistance that will facilitate vaccine readiness, distribution, delivery, monitoring, and administration activities;

(I) describe how the United States Government will ensure the efficient delivery and administration of COVID–19 vaccines to United States citizens residing overseas, including through the donation of vaccine doses to United States embassies and consulates; or

(i) countries in which United States citizens are deemed ineligible or low priority in the national vaccination deployment plan; and

(ii) countries that are not presently distributing a COVID–19 vaccine that—

(I) have been licensed or authorized for emergency use by the Food and Drug Administration; or

(ii) has met the necessary criteria for safety and efficacy established by the World Health Organization;

(J) summarize the United States Government’s efforts to encourage and facilitate sharing and the licensing of intellectual property, to the extent necessary, to support the adequate and timely supply of vaccines and vaccine components to meet the vaccination goals specified in subsection (a)(6), giving due consideration to avoiding undermining intellectual property innovation and intellectual property rights protections with respect to vaccine development;

(K) describe the roles, responsibilities, tasks, and, as appropriate, the authorities of the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, the Chief Executive Officer of the United States International Development Finance Corporation, and the heads of other relevant Federal departments and agencies with respect to the implementation of the strategy;

(L) describe how the Department of State and USAID will coordinate with the Secretary of Health and Human Services and the heads of other relevant Federal agencies—

(i) to expedite the export and distribution of Federally purchased vaccines to countries in need; and

(ii) to ensure that such vaccines will not be wasted;

(M) summarize the United States public diplomacy strategies for branding and addressing vaccine misinformation and hesitancy within partner countries; and

(N) describe how the United States is making to help countries disrupt the current transmission of COVID–19, utilizing medical products and medical supplies.

(2) SUBMISSION OF STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit the strategy described in paragraph (1) to—

(A) the appropriate congressional committees;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate; and

(C) the Committee on Energy and Commerce of the House of Representatives.

(c) Leveraging United States Bilateral Global Health Programs for the International COVID–19 Response.—Amounts appropriated or otherwise made available to carry out section 104 of the Foreign Assistance Act (22 U.S.C. 2151b) may be used in countries receiving United States foreign assistance—

(1) to combat the COVID–19 pandemic, including through the sharing of COVID–19 vaccines; and

(2) to support related activities, including—

(A) strengthening vaccine readiness;

(B) reducing vaccine hesitancy and misinformation;

(C) delivering and administering COVID–19 vaccines;

(D) strengthening health systems and global supply chains necessary for global health security and pandemic preparedness, prevention, and response;

(E) supporting global health workforce planning, training, and management for pandemic preparedness, prevention, and response;

(F) enhancing transparency, quality, and reliability of public health data;

(G) improving surveillance and testing, including screening for symptomatic and asymptomatic cases; and

(H) building laboratory capacity.

(d) Roles of the Department of State, USAID, and the Department of Health and Human Services in International Pandemic Response.—

(1) DESIGNATION OF LEAD AGENCIES FOR CO–ORDINATION OF THE UNITED STATES’ INTERNATIONAL RESPONSE TO INFECTIOUS DISEASE OUTBREAKS OF HIGHER PRIORITY.—The President shall designate relevant Federal departments and agencies, including the Department of State, USAID, and the Department of Health and Human Services (including the Centers for Disease Control and Prevention), to lead specific aspects of the United States international response to outbreaks of emerging high-consequence infectious disease threats.

(2) NOTIFICATION.—Not later than 120 days after the date of the enactment of this Act, the President shall notify the appropriate congressional committees, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives of the designations made pursuant to paragraph (1), including detailed descriptions of the roles and responsibilities of each relevant department and agency.

(e) USAID DISASTER SURGE CAPACITY.—

(1) DISASTER SURGE CAPACITY.—Amounts appropriated or otherwise made available to carry out this Act, and any amounts otherwise made available for the purposes of this subtitle, shall—

(A) clearly articulate United States policy goals related to pandemic prevention, preparedness, and response, including through actions to strengthen diplomatic leadership and the effectiveness of United States foreign assistance for global health security through advancement of a One Health approach, the Global Health Security Agenda, the International Health Regulations (2005), and other relevant frameworks that contribute to pandemic prevention and preparedness;

(B) establish specific and measurable goals, benchmarks, timetables, performance metrics, and monitoring and evaluation plans for United States foreign policy and assistance for global health security that promote learning and share best practices; and

(C) establish transparent mechanisms to improve coordination and avoid duplication of effort between and among the relevant Federal departments and agencies, partner countries, the private sector, multilateral organizations, and other key stakeholders;

(D) prioritize working with partner countries with—

(i) demonstrated need, as identified through the Joint External Evaluation process, the Global Health Security Index classificatory and other national action plans for health security, Global Health Security Agenda, other risk-based assessments, and complementary or successor indicators of global health security and pandemic preparedness; and

(ii) demonstrated commitment to transparency, including budget and global health data, planning, and other relevant frameworks that inform United States foreign assistance for global health security by—

(i) ensuring that United States global health assistance authorized under this subtitle is strategically planned and coordinated in a manner that delivers immediate

SEC. 6294. INTERNATIONAL PANDEMIC PREVENTION AND PREPAREDNESS.

(a) UNITED STATES INTERNATIONAL ACTIVITIES TO ADVANCE GLOBAL HEALTH SECURITY AND DIPLOMACY STRATEGY AND REPORT.—

(1) IN GENERAL.—The President shall develop, maintain, and update a comprehensive strategy for improving United States global health security and diplomacy for pandemic prevention, preparedness and response consistent with the purposes of this subtitle, shall—

(A) clearly articulate United States policy goals related to pandemic prevention, preparedness, and response, including through actions to strengthen diplomatic leadership and the effectiveness of United States foreign assistance for global health security through advancement of a One Health approach, the Global Health Security Agenda, the International Health Regulations (2005), and other relevant frameworks that contribute to pandemic prevention and preparedness;

(B) establish specific and measurable goals, benchmarks, timetables, performance metrics, and monitoring and evaluation plans for United States foreign policy and assistance for global health security that promote learning and share best practices; and

(C) establish transparent mechanisms to improve coordination and avoid duplication of effort between and among the relevant Federal departments and agencies, partner countries, the private sector, multilateral organizations, and other key stakeholders;

(D) prioritize working with partner countries with—

(i) demonstrated need, as identified through the Joint External Evaluation process, the Global Health Security Index classificatory and other national action plans for health security, Global Health Security Agenda, other risk-based assessments, and complementary or successor indicators of global health security and pandemic preparedness; and

(ii) demonstrated commitment to transparency, including budget and global health data, planning, and other relevant frameworks that inform United States foreign assistance for global health security by—

(i) ensuring that United States global health assistance authorized under this subtitle is strategically planned and coordinated in a manner that delivers immediate

(2) NOTIFICATION.—Not later than 15 days before making funds available to address manmade disasters pursuant to paragraph (1), the Secretary of State or the USAID Administrator shall notify the appropriate congressional committees of such intended action.
impact and contributes to enduring results, including through efforts to enhance community capacity and resilience to infectious disease threats and emergencies; and
(ii) the participation of the relevant Federal departments and agencies, shall submit the strategy required under paragraph (1) to—
(i) the appropriate congressional committees;
(ii) the Committee on Health, Education, Labor, and Pensions of the Senate; and
(iii) on Energy and Commerce of the House of Representatives.
(B) AGENCY-SPECIFIC PLANS.—The strategy required under paragraph (1) shall include specific contributions of the relevant Federal departments and agencies; and
(ii) the development of coordinated, technical, financial, and in-kind contributions, to implement the strategy; and
(i) the collaborative participation of the relevant Federal departments and agencies to ensure that the activities and programs carried out pursuant to the strategy are designed to achieve maximum impact and long-term sustainability.
(3) ANNUAL REPORT.—
(A) IN GENERAL.—Not later than 1 year after the submission of the strategy pursuant to (2), and not later than October 1 of each year thereafter, the President shall submit a report to the committees referred to in paragraph (2)(A) that describes the implementation of such strategy.
(B) CONTENTS.—Each report submitted pursuant to subparagraph (A) shall—
(i) conduct a review of the implementation of the strategy; and
(ii) describe the progress made in implementing the strategy, including specific information related to the progress toward improving countries’ ability to detect, prevent, and respond to infectious disease threats, such as COVID-19 and Ebola.
(ii) the efforts of the relevant Federal department or agency to ensure that the activities and programs carried out pursuant to the strategy are designed to achieve maximum impact and enduring results, including through specific activities to strengthen health systems for global health security and pandemic prevention, preparedness, and response, as appropriate.
(C) FORM.—The strategy and reports required under this subsection shall be submitted in unclassified form, but may contain a classified annex.
(b) ESTABLISHMENT OF THE UNITED STATES GLOBAL HEALTH SECURITY AGENDA INTERAGENCY REVIEW COUNCIL.—
(1) STATEMENT OF POLICY.—It is the policy of the United States—
(A) to promote and invest in global health security and pandemic prevention, preparedness, and response as a core national and security interest;
(B) to advance the aims of the Global Health Security Agenda;
(C) to collaborate with other countries to promote early detection and mitigation of infectious disease threats before such threats become pandemics; and
(D) to encourage and support other countries to advance pandemic prevention and preparedness and foster sustainable health systems for global health security and pandemic prevention and preparedness.
(2) ESTABLISHMENT.—The President shall establish a Global Health Security Agenda Interagency Review Council (referred to in this section as the “Council”) to carry out the activities described in paragraphs (4) and (7).
(3) MEETINGS.—The Council shall meet not fewer than 4 times each year to advance its mission and fulfill its responsibilities.
(4) GENERAL RESPONSIBILITIES.—The Council shall—
(A) provide policy-level recommendations to participating agencies regarding Global Health Security Agenda goals, objectives, and implementation, and other international efforts to strengthen pandemic preparedness and response;
(B) facilitate interagency, multi-sectoral engagement to carry out GHSA implementation;
(C) provide a forum for raising and working to resolve interagency disagreements concerning the GHSA, and other international efforts to strengthen pandemic preparedness and response; and
(D) review the progress toward, and work to resolve challenges in achieving, United States commitments to the GHSA, including commitments to assist other countries in achieving the GHSA targets; and
(K) participate, when appropriate, in other international efforts to support other health and security efforts in achieving the GHSA.
(5) PARTICIPATION.—The Council—
(A) shall be headed by the Assistant to the President for National Security Affairs, in coordination with the heads of relevant Federal agencies; and
(B) should consist of representatives each of the relevant Federal departments or agencies, as determined by the President.
(6) RESPONSIBILITIES OF FEDERAL DEPARTMENTS AND AGENCIES.—The Assistant to the President for National Security Affairs and the Council may not assume any responsibilities or authorities of the head of any Federal department, agency, or office, including the foreign affairs responsibilities and authorities of the Secretary of State to oversee the implementation of programs and policies that advance global health security within foreign countries.
(7) SPECIFIC ROLES AND RESPONSIBILITIES.—
(A) IN GENERAL.—The heads of the agencies referred to in paragraph (5) shall—
(i) make the implementation of the GHSA and global pandemic preparedness a high priority within their respective agencies;
(ii) ensure that all activities related to the GHSA and global pandemic preparedness within their respective agencies’ strategic planning and budget processes;
(iii) designate a senior-level official to be responsible for the implementation of this subsection;
(iv) designate, in accordance with paragraph (e), an appropriate representative at the Assistant Secretary level or higher to participate on the Council;
(v) keep the Council apprised of GHSA-related activities undertaken within their respective agencies;
(vi) maintain responsibility for agency-related programmatic functions in coordination with other relevant Federal agencies, including governments in partner countries, country teams, and GHSA in-country teams; and
(vii) coordinate with other Federal agencies, including the appropriate representatives at the Assistant Secretary level or higher, to participate in the Council; and
(viii) coordinate across national health security action plans and with GHSA and other...
appro-riate partners to which the United States is providing assistance.

(B) ADDITIONAL ROLES AND RESPONSIBILITIES.—In addition to the roles and responsibilities specified in subparagraph (A), the heads of relevant Federal departments and agencies shall carry out their respective roles and responsibilities described in—

(i) Executive Order 13747 (81 Fed. Reg. 78701; relating to Advancing the Global Health Security Agenda to Achieve a World Safe and Secure from Infectious Disease Threats), and


(c) ORGANIZATION OF UNITED STATES INTERNATIONAL ACTIVITIES TO ADVANCE GLOBAL HEALTH SECURITY AND DIPLOMACY.—

(1) ESTABLISHMENT.—There is established, within the Department of State, the position of Special Representative for United States International Activities to Advance Global Health Security and Diplomacy Overseas (referred to in this section as the “Special Representative”).

(2) APPOINTMENT; QUALIFICATIONS.—The Special Representative—

(A) shall be designated by the President, by and with the advice and consent of the Senate;

(B) shall report to the Secretary of State; and

(C) shall have—

(i) demonstrated knowledge and experience in the fields of development and public health, epidemiology, or medicine; and

(ii) relevant diplomatic, policy, and political expertise.

(3) AUTHORITIES.—The Special Representative—

(A) shall—

(i) be responsible for and carry out this subtitle to advance the relevant elements of the United States Global Health Security Agenda and Diplomacy Strategy developed pursuant to subsection (b) by—

(I) formulating, implementing, and updating related policy guidance;

(II) establishing, in coordination with USAID and the Department of Health and Human Services, unified auditing, monitoring, and evaluation plans;

(III) avoiding duplication of effort and working to resolve policy, program, and functional differences among the relevant Federal departments and agencies;

(iv) leading diplomatic efforts to identify and address current and emerging threats to global health security;

(v) ensuring, in consultation with the Secretary of Health and Human Services and the USAID Administrator, effective representation of the United States in relevant international forums, including the World Health Organization, the World Health Assembly, and meetings of the Global Health Security Agenda and the Global Health Security Initiative;

(vi) working to enhance coordination with, and transparency among, the governments of partner countries and key stakeholders, including the private sector;

(vii) promoting greater donor and national investment in partner countries to build health systems and supply chains for global health security and pandemic prevention and preparedness;

(viii) securing bilateral and multilateral financial commitments to support the Global Health Security Agenda, in coordination with relevant Federal departments and agencies, including through funding for the financing mechanism described in section 6295; and

(ix) providing regular updates to the appropriate committees of the Congress on the fulfillment of the activities described in this paragraph;

(C) shall have—

(i) expertise in the areas of collaboration and coordination in countries with global health programs and activities undertaken by USAID pursuant to section 6295; and

(ii) the authority to submit to the Secretary of State or the Secretary of Health and Human Services, in coordination with the USAID Administrator, the Director of the Centers for Disease Control and Prevention, and the heads of other relevant Federal departments and agencies, any additional information to assess the capacity of key stakeholders to effectively mount an adequate response to emerging infectious disease threats internationally.

(2) COORDINATION.—The USAID Administrator shall work with the Global Health Diplomacy Coordinator and the Special Representative for United States Global AIDS Diplomacy, the Special Representative for Global Health Diplomacy at the Department of State, and, as appropriate, the Secretary of Health and Human Services, to identify and establish areas of collaboration and coordination in counties with global health programs and activities undertaken by USAID pursuant to section 6295; and shall coordinate any additional information to assess the capacity of key stakeholders to effectively mount an adequate response to emerging infectious disease threats internationally.

(3) INTERNATIONAL PANDEMIC EARLY WARNINGS SYSTEMS.—

(B) to secure, including through utilization of stand-by arrangements and emergency preparedness mechanisms, the necessary national action plans, and resources necessary to execute cross-sectoral emergency operations during the 48-hour period immediately following an infectious disease outbreak with pandemic potential.

(3) EMERGENCY OPERATIONS.—The Secretary of State, the Secretary of Health and Human Services, in coordination with the USAID Administrator, the Director of the Centers for Disease Control and Prevention, and the heads of other relevant Federal departments and agencies, shall work with the World Health Organization, with partner countries and other key stakeholders to support the establishment, strengthening, and rapid response capacity of global health emergency operations centers, at the partner country and international levels, including efforts—

(A) to collect and share public health data, assess risk, and operationalize early warning;

(B) to secure, including through utilization of stand-by arrangements and emergency preparedness mechanisms, the necessary national action plans, and resources necessary to execute cross-sectoral emergency operations during the 48-hour period immediately following an infectious disease outbreak with pandemic potential.

(3) INTERNATIONAL PANDEMIC EARLY WARNINGS SYSTEMS.—

(c) INTERNATIONAL EMERGENCY OPERATIONS.—

(f) INTERNATIONAL EMERGENCY OPERATIONS.—

(4) EMERGENCY OPERATIONS.—The Secretary of State, the Secretary of Health and Human Services, in coordination with the USAID Administrator, the Director of the Centers for Disease Control and Prevention, and the heads of other relevant Federal departments and agencies, shall work with the World Health Organization, with partner countries and other key stakeholders to support the establishment, strengthening, and rapid response capacity of global health emergency operations centers, at the partner country and international levels, including efforts—

(A) to collect and share public health data, assess risk, and operationalize early warning;

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(B) to secure, including through utilization of stand-by arrangements and emergency preparedness mechanisms, the necessary national action plans, and resources necessary to execute cross-sectoral emergency operations during the 48-hour period immediately following an infectious disease outbreak with pandemic potential.

(3) EMERGENCY OPERATIONS.—The Secretary of State, the Secretary of Health and Human Services, in coordination with the USAID Administrator, the Director of the Centers for Disease Control and Prevention, and the heads of other relevant Federal departments and agencies, shall work with the World Health Organization, with partner countries and other key stakeholders to support the establishment, strengthening, and rapid response capacity of global health emergency operations centers, at the partner country and international levels, including efforts—
(2) the country’s commitment to transparency, including—
(A) budget and global health data transparency;
(B) its compliance with the International Health Regulations (2005);
(C) investments in domestic health systems; and
(D) the achievement of measurable results.
(b) Establishment of Fund for Global Health Security and Pandemic Prevention and Preparedness
(1) Negotiations.—The Secretary of State, in coordination with the USAID Administrator, the Secretary of Health and Human Services, the Secretaries of other relevant Federal departments and agencies, as necessary and appropriate, should seek to enter into negotiations with donors, relevant United Nations agencies, including the World Health Organization, and other key multilateral stakeholders, to establish—
(A) a multilateral, catalytic financing mechanism for global health security and pandemic prevention and preparedness, which may be formed as financial intermediary fund of the World Bank and be known as the Fund for Global Health Security and Pandemic Prevention and Preparedness (referred to in this section as “the Fund”), in accordance with the provisions of this subsection; and
(B) a Technical Advisory Panel to the Fund, in accordance with subsection (e).
(2) Purposes.—The purposes of the Fund should be—
(A) to close critical gaps in global health security and pandemic prevention and preparedness; and
(B) to work with, and build the capacity of, eligible partner countries in the areas of global health security, infectious disease control, and pandemic prevention and preparedness in order to—
(i) prioritize capacity building and financing availability in eligible partner countries;
(ii) incentivize countries to prioritize the use of domestic resources for global health security and pandemic prevention and preparedness;
(iii) leverage governmental, nongovernmental, and private sector investments;
(iv) regularly respond to and evaluate progress toward metrics and markers, such as those developed through the IHR (2005) Monitoring and Evaluation Framework and the Global Health Security Index,
(v) align with and complement ongoing bilateral and multilateral efforts and financing, including through the World Bank, the World Health Organization, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, the Coalition for Epidemic Preparedness and Innovation, Gavi, the Vaccine Alliance; and
(vi) help countries accelerate and achieve compliance with the International Health Regulations (2005) and fulfill the Global Health Security Index Framework (2004) not later than 8 years after the date on which the Fund is established, in coordination with the ongoing Joint External Evaluation national action planning process.
(3) Executive Board.—
(A) In General.—The Fund should be governed by a transparent and accountable body (referred to in this section as the “Executive Board”), which should—
(i) function as a partnership with, and through full engagement by, donor governments, eligible partner countries, and independent civil society;
(ii) be composed of not more than 21 representatives of governments, foundations, academic institutions, independent civil society, indigenous people, vulnerable communities, frontline health workers, and the private sector with demonstrated commitment to carrying out the purposes of the Fund and upholding transparency and accountability requirements.
(B) Determination.—The Executive Board should—
(i) be charged with approving strategies, operations, and grant making authorizations such that it is able to conduct effective fiduciary, monitoring, evaluation efforts, and other oversight functions;
(ii) determine operational procedures to enable the Fund to effectively fulfill its mission;
(iii) provide oversight and accountability for the Fund in collaboration with the Inspector General established pursuant to subsection (d)(5)(A)(i);
(iv) develop and utilize a mechanism to obtain formal input from eligible partner countries, including the Global Health Security Agenda and implementing entities relative to program design, review, and implementation and associated lessons learned; and
(v) coordinate and align with other multilateral financing and technical assistance activities, and with the activities of the United States and other nations leading pandemic preparedness, response and preparedness activities in partner countries, as appropriate.
(C) Composition.—The Executive Board should include—
(i) representatives of the governments of founding member countries who, in addition to meeting the requirements under subparagraph (A), qualify based upon—
(I) meeting an established initial contribution threshold, which should be not less than 10 percent of the country’s total initial contributions; and
(II) demonstrating a commitment to supporting the International Health Regulations (2005);
(ii) a geographically diverse group of members from donor countries, academic institutions, independent civil society, including faith-based and indigenous organizations, and the private sector who are selected on the basis of their experience and commitment to innovation, best practices, and the advancement of global health security objectives;
(iii) representatives of the World Health Organization, to serve in an observer status; and
(iv) the chair of the Global Health Security Agenda Steering Group, to serve in an observer status.
(D) Contributions.—Each government or private sector entity represented on the Executive Board should agree to make annual contributions of a magnitude that is not less than the minimum amount determined by the Executive Board.
(E) Qualifications.—Individuals appointed to the Executive Board should have demonstrated knowledge and experience across a variety of sectors, including human and animal health, agriculture, development, defense, finance, and security.
(F) Conflicts of Interest.—All Executive Board members should be required to recuse themselves from matters presenting conflicts of interest, including financing decisions relating to such countries, bodies, and institutions.
(G) United States Representation.—
(i) Founding Member.—The Secretary of State should seek—
(I) to establish the United States as a founding member of the Fund; and
(II) to ensure that the United States is represented on the Executive Board by an officer or employee of the United States who has been appointed by the President.
(ii) Eligibility for Membership.—Before membership shall take effect on the date on which the Secretary of State submits to Congress a certified copy of the agreement establishing the Fund.
(II) Termination Date.—The membership established pursuant to clause (i) shall terminate upon the date of termination of the Fund.
(H) Removal Procedures.—The Fund should establish procedures for the removal of members of the Executive Board under this subsection shall be legally effective and binding upon the United States, in accordance with the terms of the agreement—
(I) be composed of not more than 21 representatives of governments, foundations, academic institutions, independent civil society, indigenous people, vulnerable communities, frontline health workers, and the private sector with demonstrated commitment to carrying out the purposes of the Fund and upholding transparency and accountability requirements.
(ii) fail to uphold global health data transparency requirements;
(iii) otherwise violate the established standards of the Fund, including in relation to corruption.
(4) Enforceability.—Any agreement concluded under the authorities provided under this subsection shall be legally effective and binding upon the United States, in coordination with the USAID Administrator, the Secretary of State, and the Joint External Evaluations.
(i) Program Objectives.—
(A) In General.—In carrying out the purpose described in subsection (b), the Fund, acting through the Executive Board, should—
(I) develop grant making requirements to be administered by an independent technical review panel comprised of entities barred from applying for funding or support;
(II) provide grants, challenge grants, technical assistance, concessional lending, catalytic investment funds, and other innovative funding mechanisms, in coordination with ongoing bilateral and multilateral United States assistance efforts, as appropriate—
(i) to help eligible partner countries close critical gaps in health security, as identified through the IHR (2005) Monitoring and Evaluation Framework, the Global Health Security Index classification of health systems, and national action plans for health security and other complementary or successor indicators of global health security and pandemic prevention and preparedness; and
(ii) to support measures that enable such countries, at both the national and subnational levels, and in partnership with civil society and the private sector, to strengthen and sustain resilient health systems and supply chains for global health security and pandemic prevention and preparedness with the resources, capacity, and personnel required to prevent, detect, and respond to infectious disease threats before they become pandemics;
(III) leverage the expertise, capabilities, and resources of proven, existing agencies and organizations to effectively target and manage resources for impact, including through alignment with, and co-financing of, complementary programs, as appropriate, in accordance with subparagraph (C); and
(iv) develop recommendations for a mechanism for assisting countries that are at high risk for the emergence or reemergence of pathogens with pandemic potential to participate in the Global Health Security Agenda and the Joint External Evaluations.
(B) Authority.—The powers and duties to be supported by the Fund should include efforts—
...
to formulate and implement national health security and pandemic prevention and preparedness action plans, advance action packages under the Global Health Security Agenda, and adopt and uphold commitments under the International Health Regulations (2005) and complementary or successor indicators, including global health security and pandemic prevention and preparedness, as appropriate;

(ii) to support global health security budget planning in eligible partner countries, including training in public financial management, integrated and transparent budget and global health data and human resource information systems;

(iii) to strengthen the health security workforce, including hiring, training, and deploying health service essential staff, including community health workers, to improve frontline prevention of, and monitoring and preparedness for, unknown, new, emerging, or reemerging pathogens of pandemic potential, including capacity to surge and manage additional staff during emergencies;

(iv) to improve the quality of community health worker programs as the foundation of pandemic preparedness and response through application of appropriate assessment tools;

(v) to improve—

(I) infection prevention and control;

(II) the protection of healthcare workers, including community health workers; and

(III) access to water and sanitation within healthcare settings;

(vi) to combat the threat of antimicrobial resistance;

(vii) to strengthen laboratory capacity and promote biosafety and biosecurity through the provision of material and technical assistance;

(viii) to reduce the risk of—

(i) bioterrorism;

(ii) the emergence, reemergence, or spread of zoonotic disease (whether through loss of natural habitat, the commercial trade in wildlife for human consumption, or other means); and

(iii) accidental biological release;

(ix) to build technical capacity to manage, as appropriate, supply chains for global health security and pandemic prevention and preparedness through effective forecasting, procurement, warehousing, and delivery from central warehouses to points of service in the health sector;

(x) to enable bilateral, regional, and international partnerships and cooperation, including through pandemic early warning systems and emergency operations centers, to identify and address transnational infectious disease threats exacerbated by natural and man-made disasters, human displacement, and zoonotic infection;

(xi) to establish partnerships for the sharing of best practices and enabling eligible countries to meet targets and indicators under the International Health Regulations (2005) Monitoring and Evaluation Framework, the Global Health Security Index classification of health systems, and national action plans for health security relating to the prevention, detection, and treatment of neglected tropical diseases;

(xii) to develop and utilize metrics to monitor and evaluate programmatic performance and identify best practices, including in accordance with the IHR (2005) Monitoring and Evaluation Framework, including Joint External Evaluation benchmarks, Global Health Security Agenda targets, and Global Health Security Index indicators;

(xiii) to develop and deploy mechanisms to enhance and independently monitor the transparency, accountability, and auditability of global health security and pandemic prevention and preparedness programs and data, in compliance with the International Health Regulations (2005), including through the sharing of trends, risks, and lessons learned;

(xiv) to promote broad participation in emergency planning and advisory bodies, including by women and frontline health workers;

(xv) to develop and implement simulation exercises to produce and release action reports, and to address related gaps;

(xvi) to support countries in conducting Joint External Evaluations;

(xvii) to improve disease surveillance capacity in partner counties, including at the community level, to improve such countries’ capacity to detect and respond to known and unknown pathogens and zoonotic infectious diseases; and

(xviii) to support governments through coordinated and prioritized assistance efforts to prevent the emergence, reemergence, or spread of zoonotic diseases caused by deforestation, commercial trade in wildlife for human consumption, climate-related events, livestock, and people.

(C) IMPLEMENTATION OF PROGRAM OBJECTIVES.—In carrying out the objectives described in subparagraph (A), the Fund should—

(x) be accountable to the Secretary of the State, consistent with paragraph (4), shall—

(A) upholding global health budget and data transparency and accountability standards; and

(B) seek to ensure there is agreement to put in place a conflict of interest policy to ensure fairness and a high standard of ethical conduct in the Fund’s decision-making processes, including proactive procedures to screen staff for conflicts of interest and measures to address any conflicts, such as—

(i) potential divestments of interests;

(ii) prohibition from engaging in certain activities;

(iii) recusal from certain decision-making and administrative processes; and

(iv) representation by an alternate board member; and

(C) seek agreement on the criteria that should be used to determine the programs and activities that should be assisted by the Fund.

(4) SELECTION OF PARTNER COUNTRIES, PROGRAMS, AND RECIPIENTS.—The Executive Board should establish—

(A) eligible partner country selection criteria, including transparent metrics to measure and assesses global health security and pandemic prevention and preparedness strengths and vulnerabilities in countries seeking assistance;

(B) minimum standards for ensuring eligible partner country ownership and commitment to long-term results, including requirements for domestic budgeting, resource mobilization, and co-investment;

(C) criteria for the selection of projects to receive support from the Fund;

(D) standards and criteria regarding qualification of recipients; and

(E) such rules and procedures as may be necessary—

(i) for cost-effective management of the Fund;

(ii) to ensure transparency and accountability in the grant-making process.

(5) ADDITIONAL TRANSPARENCY AND ACCOUNTABILITY REQUIREMENTS.—

(A) INSPECTOR GENERAL.—

(i) IN GENERAL.—The Secretary of State shall seek to ensure that the Fund maintains an Independent Office of Inspector General, appointed pursuant to paragraph (1)(B), who—

(ii) to develop and implement simulation exercises to produce and release action reports, and to address related gaps;
that such representative may accept travel expenses, including per diem in lieu of subsistence, while away from the representative’s home or regular place of business, as a contribution from the Fund to defray the costs of services for the Technical Advisory Panel.

(5) CONFLICTS OF INTEREST.—Members of the Technical Advisory Panel should be required—
(A) to disclose any potential conflicts of interest before serving on the Technical Advisory Panel; and
(B) to recuse themselves from any matters that present any conflicts of interest during their service on the Technical Advisory Panel.

(f) REPORTS TO CONGRESS.—
(1) STATUS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the USAID Administrator, and the heads of other relevant Federal departments and agencies, shall submit a report to the appropriate congressional committees that describes the progress of international negotiations to establish the Fund.

(2) ANNUAL REPORT.—
(A) In general.—Not later than 1 year after the date on which the Fund is established, and annually thereafter for the duration of the Fund, the Secretary of State shall submit a report on the activities of the Fund to the appropriate congressional committees.

(B) REPORT ELEMENTS.—The report required under subparagraph (A) shall describe—
(i) the goals of the Fund;
(ii) the programs, projects, and activities supported by the Fund;
(iii) private and governmental contributions to the Fund; and
(iv) the methods used to determine the programs and activities that should be assisted by the Fund, including baselines, targets, desired outcomes, measurable goals, and extent to which those goals are being achieved.

(3) GAO REPORT ON EFFECTIVENESS.—Not later than 2 years after the date on which the Fund is established, the Comptroller General of the United States shall submit a report to the appropriate congressional committees that evaluates the effectiveness of the Fund, including—
(A) the effectiveness of the programs, projects, and activities supported by the Fund; and
(B) an assessment of the merits of continued United States participation in the Fund.

(g) UNITED STATES CONTRIBUTIONS.—
(1) IN GENERAL.—Subject to paragraph (4)(C), the President may release Federal funding that has been appropriated by Congress for United States contributions to the Fund.

(2) NOTIFICATION.—The Secretary of State shall notify the appropriate congressional committees not later than 15 days before making a contribution to the Fund of—
(A) the amount of the proposed contribution;
(B) the total of funds contributed by other donors; and
(C) the national interests served by United States participation in the Fund.

(3) LIMITATION.—During the 5-year period beginning on the date of the enactment of this Act, the cumulative total of United States contributions to the Fund may not exceed 33 percent of the total contributions to the Fund from all sources.

(h) WITHHOLDINGS.—
(A) SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—If the Secretary of State determines, in consultation with the Inspector General of the Department of State, that—
(i) a grantee or subrecipient for the purpose of carrying out such grants.

(ii) the programs, projects, and activities that should be assisted by the Fund, including baselines, targets, desired outcomes, measurable goals, and extent to which those goals are being achieved.

(iii) private and governmental contributions to the Fund;

(1) in subparagraph (A), by striking ‘‘and’’; and

(ii) from the enactment of such Act.

(3) by adding at the end the following:

(F) the International Pandemic Preparedness and COVID–19 Response Act of 2022.’’.

SEC. 6294. GENERAL PROVISIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary, for the 5-year period beginning on October 1, 2022, $5,000,000,000, which—

(2) BY AMENDMENT.—The Act of October 11, 2022, entitled ‘‘The Act’’ (P.L. 117–50), as amended, shall be amended—

(3) by adding at the end the following:

(3) by adding at the end the following:

SEC. 6501. SENSE OF THE SENATE ON PERMANENTスペース activities.

It is the sense of the Senate that—

The Administration for Strategic Programs and Intelligence Matters

SEC. 6501. SENSE OF THE SENATE ON PERMANENT SPACE ACTIVITIES, STRATEGIC PROGRAMS, AND INTELLIGENCE MATTERS.

It is the sense of the Senate that—

The National Reconnaissance Office (NRO) has been a leader in the development and application of space-based intelligence systems, providing critical information to support national security and intelligence priorities.

The NRO is responsible for developing and operating a comprehensive suite of space-based intelligence systems, including satellites, sensors, and data collection capabilities. These systems are designed to support a wide range of national security objectives, including the detection and tracking of military assets, the monitoring of global events, and the provision of intelligence and information to U.S. military, intelligence, and law enforcement agencies.

The NRO’s strategic programs and intelligence efforts are crucial to maintaining the United States’ position as a global leader in intelligence and security. The NRO’s investments in space-based intelligence systems are essential for ensuring the protection of national security interests and the defense of the United States against potential threats.

It is the sense of the Senate that—

The NRO must continue to prioritize the development and deployment of advanced space-based intelligence systems to meet the evolving needs of national security and to maintain the United States’ global competitive edge.

Given the critical role of the NRO in national security, it is important that the Senate and other lawmakers support the agency’s efforts to ensure the security and safety of the United States.

The NRO’s investments in space-based intelligence systems are essential for ensuring the protection of national security interests and the defense of the United States against potential threats.

It is the sense of the Senate that—

The NRO must continue to prioritize the development and deployment of advanced space-based intelligence systems to meet the evolving needs of national security and to maintain the United States’ global competitive edge.

Given the critical role of the NRO in national security, it is important that the Senate and other lawmakers support the agency’s efforts to ensure the security and safety of the United States.

The NRO’s investments in space-based intelligence systems are essential for ensuring the protection of national security interests and the defense of the United States against potential threats.

It is the sense of the Senate that—

The NRO must continue to prioritize the development and deployment of advanced space-based intelligence systems to meet the evolving needs of national security and to maintain the United States’ global competitive edge.

Given the critical role of the NRO in national security, it is important that the Senate and other lawmakers support the agency’s efforts to ensure the security and safety of the United States.
(1) as the Space Development Agency transfers into the United States Space Force in October 2022, the Space Development Agency should retain the original organizational structure during that process, including leadership positions; (2) there should be a transfer of three Senior Executive Service positions authorized for the Department of Defense to the Space Development Agency; (3) the modification described in paragraph (2) should be approved per the National Defense Authorization Act for Fiscal Year 2021 Joint Explanatory Statement, which directed that when the Space Development Agency transfers to the Department of the Air Force, the Department of Defense shall retain the equivalent position of tier-3 Senior Executive Service; and (4) the Director of the Space Development Agency should maintain equivalent to— (A) the Commander of Space Systems Command; (B) the Director of the Department of the Air Force Rapid Capabilities Office; (C) the Director of the Space Security and Defense Program; (D) the Director of the Space Warfighting Analysis Center; (E) the Director of the Space Rapid Capabilities Office; (F) the Commander of Space Operations Command; or (G) the Commander of Space Training and Readiness Command.

SEC. 6502. AUTHORIZATION OF WORKFORCE DEVELOPMENT AND TRAINING PARTNERSHIP PROGRAMS WITHIN NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—The Administrator for Nuclear Security may authorize management and operating contractors at covered facilities to develop and implement workforce development and training partnership programs with covered institutions to further the education and training of employees or prospective employees of such management and operating contractors in order to meet the requirements of section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a).

(b) CAPACITY.—To carry out subsection (a), a management and operating contractor at a covered facility may provide to a covered institution through grants or other means to cover the costs of the development and implementation of a workforce development and training partnership program authorized under subsection (a), including costs related to curriculum development, hiring of teachers, procurement of equipment and machinery, use of facilities or other properties, and provision of scholarships and fellowships.

(c) DEFINITIONS.—In this section:

(1) COVERED INSTITUTION.—The term ‘‘covered institution’’ means—

(A) a historically Black college or university;

(B) a Hispanic-serving institution; or

(C) a Tribal College or University.

(2) COVERED FACILITY.—The term ‘‘covered facility’’ means—

(A) Los Alamos National Laboratory, Los Alamos, New Mexico; or

(B) the Savannah River Site, Aiken, South Carolina.

(3) HISPANIC-SERVING INSTITUTION.—The term ‘‘Hispanic-serving institution’’ has the meaning given that term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(4) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ‘‘historically Black college or university’’ has the meaning given the term ‘‘part B institution’’ in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(5) PROSPECTIVE EMPLOYEE.—The term ‘‘prospective employee’’ means an individual who has applied or who, based on their field of study and experience, is likely to apply for a position at a management and operating contractor to support plutonium pit production at a covered facility.

(6) TRIBAL COLLEGE OR UNIVERSITY.—The term ‘‘Tribal College or University’’ has the meaning given that term in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1009).

SEC. 6503. IRAN NUCLEAR WEAPONS CAPABILITY AND TERRORISM MONITORING ACT OF 2022.

(a) SHORT TITLE.—This section may be cited as the ‘‘Iran Nuclear Weapons Capability and Terrorism Monitoring Act of 2022’’.

(b) FINDINGS.—Congress makes the following findings:

(1) In the late 1980s, the Islamic Republic of Iran established the AMAD Project with the intent to manufacture 5 nuclear weapons and prepare an underground nuclear test site.

(2) Since at least 2002, the Islamic Republic of Iran has advanced its nuclear and ballistic missile programs, posing serious threats to the security interests of the United States, Israel, and other friends and allies.

(3) In 2002, nuclear facilities in Natanz and Arak, Iran, were revealed to the public by the National Council of Resistance of Iran.

(4) On April 11, 2006, the Islamic Republic of Iran announced that it had enriched uranium for the first time to a level close to 3.5 percent at the Natanz Pilot Fuel Enrichment Plant, Natanz, Iran.


(6) The United Nations Security Council subsequently adopted Resolutions 1747 (2007), 1903 (2008), and 2129 (2010), all of which targeted the nuclear program of and imposed additional sanctions with respect to the Islamic Republic of Iran.

(7) On February 3, 2009, the Islamic Republic of Iran announced that it had launched its first satellite, which raised concern over the application of the satellite to the ballistic missile program.

(8) In September 2009, the United States, the United Kingdom, and France revealed the existence of Israel’s underground first-fuel Enrichment Plant in Iran, years after construction started on the plant.

(9) In 2010, the Islamic Republic of Iran reportedly had enriched uranium to a level of 20 percent.

(10) On March 9, 2016, the Islamic Republic of Iran launched 2 variations of the Qadr medium-range ballistic missile.

(11) On January 28, 2017, the Islamic Republic of Iran conducted a test of a medium-range ballistic missile, which traveled an estimated 600 kilometers.

(12) In 2018, Israel seized a significant portion of the nuclear archive of the Islamic Republic of Iran, which contained tens of thousands of classified documents relating to past efforts at nuclear weapon design, development, and manufacturing by the Islamic Republic of Iran.

(13) On September 27, 2018, Israel revealed the existence of a warehouse housing radioactive material in the Turquz Abad district in Tehran, and an inspection of the warehouse by the International Atomic Energy Agency detected radioactive particles, which the Government of the Islamic Republic of Iran failed to adequately explain.

(14) On September 27, 2018, an Iranian missile struck an Iraqi military base where members of the United States Armed Forces were stationed, resulting in 11 of such members being treated for injuries.

(15) On June 19, 2020, the International Atomic Energy Agency adopted Resolution GOV/2020/34 expressing ‘‘serious concern. . .that Iran has not provided access to the Agency under the Additional Protocol to two locations’’.

(16) On November 28, 2020, following the death of the head of the Organization of Defense Innovation and Research of the Islamic Republic of Iran, the Supreme Leader of the Islamic Republic of Iran ordered to ‘‘to continue the martyr’s scientific and technological efforts in all the sectors where he was active’’ in the ‘‘nuclear and defense fields’’.

(17) On April 22, 2021, the International Atomic Energy Agency verified that the Islamic Republic of Iran had begun to enrich uranium to 60 percent purity.

(18) On August 14, 2021, President of Iran Hassan Rouhani stated that ‘‘Iran’s Atomic Energy Organization can enrich uranium by 20 percent and 60 percent and if one day our reactors need it, it can enrich uranium to 90 percent purity’’.

(19) On November 9, 2021, the Islamic Republic of Iran completed Zolfaqar-1410, a 3-day war game that included conventional warfare, air defenses, air defenses testing cruise missiles, torpedoes, and suicide drones in the Strait of Hormuz, the Gulf of Oman, the Red Sea, and the Indian Ocean.

(20) On December 20, 2021, the Islamic Republic of Iran commenced a 5-day drill in which it launched a number of short- and long-range ballistic missiles that it claimed could destroy Israel, constituting an escalation in the already genocidal rhetoric of the Islamic Republic of Iran toward Israel.

(21) On January 13, 2022, the head of the Islamic Revolutionary Guards Corps Aerospace Force claimed that the military launched a solid-fuel, mobile satellite launch rocket, with implications for development of an intercontinental ballistic missile.

(22) On January 24, 2022, Houthi rebels, backed by the Islamic Republic of Iran, fired 2 missiles at Al Dhafra Air Base in the United Arab Emirates, which hosts around 2,000 members of the Armed Forces of the United States.

(23) On January 31, 2022, surface-to-air interceptors of the United Arab Emirates shot down a Houthi missile fired at the United Arab Emirates during a visit by the Prime Minister of Israel. President of Iran, and other allies and partners.

(24) On February 9, 2022, the Islamic Republic of Iran unveiled a new surface-to-surface missile, named ‘‘Kheibar Shekan’’, which has a reported range of 900 miles (1450 kilometers) and is capable of penetrating missile shields.

(25) On March 13, 2022, the Islamic Republic of Iran launched 12 missiles into Erbil, Iraq, which struck near a consulate building of the United States.

(26) On April 17, 2022, the Islamic Republic of Iran confirmed the relocation of a production facility for advanced centrifuges from Natanz to Isfahan. Iran, to the fortified underground Natanz Enrichment Complex.

(27) On April 19, 2022, the Department of State released a report stating that there are ‘‘serious concerns’’ about ‘‘possible undeclared nuclear material and activities in Iran’’.

(28) On May 30, 2022, the International Atomic Energy Agency reported that the Islamic Republic of Iran had achieved a stockpile of 4.3 kilograms, equivalent to 9.5 tons of 90 percent enriched uranium, roughly enough material for a nuclear weapon.
(29) On June 8, 2022, the Islamic Republic of Iran turned off surveillance cameras installed by the International Atomic Energy Agency to monitor uranium enrichment activities at nuclear sites in the country.

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

(1) the Department of State has used evidence of the activities of the Islamic Republic of Iran to advance a nuclear program to secure the use of depleted, natural, and enriched uranium; and

(2) research and development with respect to the fabrication of reactor fuels, including the use of depleted, natural, and enriched uranium; and

(V) activities with respect to—

(aa) producing or acquiring plutonium or uranium (or their alloys); (bb) conducting research and development on plutonium or uranium (or their alloys); (cc) uranium metal; (dd) casting, forming, or machining plutonium or uranium; and

(ii) with respect to any activity described in clause (i), a description, as applicable, of— (I) the number and type of fuel assemblies produced by the Islamic Republic of Iran, including failed or rejected assemblies; and

(V) the total amount of—

(aa) uranium–235 enriched to not greater than 5 percent purity; (bb) uranium–235 enriched to greater than 5 percent purity and not greater than 20 percent purity; (cc) uranium–235 enriched to greater than 20 percent purity and not greater than 60 percent purity; (dd) uranium–235 enriched to greater than 60 percent purity and not greater than 90 percent purity; and (ee) uranium–235 enriched greater than 90 percent purity;

(iii) a description of any weaponization plans and weapons development capabilities of the Islamic Republic of Iran, including—

(1) plans and capabilities with respect to—

(aa) weapon design, including fission, fireball miniaturization, and boosted and early nuclear explosive devices; and

(bb) high yield fission development; (cc) design, development, acquisition, or use of computer models to simulate nuclear explosive devices; and

(b) the Committee on Foreign Affairs, the Committee on Armed Services, the Select Committee on Intelligence of the Senate; and

(iv) the amount of heavy water, in metric tons, produced by such activity and the acquisition or manufacture of major reactor components, including, for the second and subsequent assessments, the amount produced in the last assessment; (IV) the number and type of fuel assemblies produced by the Islamic Republic of Iran, including failed or rejected assemblies; and (V) the total amount of—

(aa) uranium–235 enriched to not greater than 5 percent purity; (bb) uranium–235 enriched to greater than 5 percent purity and not greater than 20 percent purity; (cc) uranium–235 enriched to greater than 20 percent purity and not greater than 60 percent purity; (dd) uranium–235 enriched to greater than 60 percent purity and not greater than 90 percent purity; and (ee) uranium–235 enriched greater than 90 percent purity;

(iii) a description of any weaponization plans and weapons development capabilities of the Islamic Republic of Iran, including—

(1) plans and capabilities with respect to—

(aa) weapon design, including fission, fireball miniaturization, and boosted and early nuclear explosive devices; and

(bb) high yield fission development; (cc) design, development, acquisition, or use of computer models to simulate nuclear explosive devices; and

(v) the ability of the Islamic Republic of Iran to employ a weapons delivery vehicle capable of carrying a nuclear warhead;
(III) the estimated breakout time for the Islamic Republic of Iran to develop and deploy a nuclear weapon, including a crude nuclear weapon; and

(IV) the status and location of any research and development work related to the preparation of an underground nuclear test;

(iv) an identification of any clandestine nuclear facilities;

(v) an assessment of whether the Islamic Republic of Iran maintains locations to store equipment, research archives, or other materials primarily used for a weapons program or that would be of use to a weapons program that the Islamic Republic of Iran has not declared to the International Atomic Energy Agency;

(vi) any diversion by the Islamic Republic of Iran of uranium, carbon-fiber, or other materials for use in an undeclared or clandestine nuclear weapons program;

(vii) an assessment of activities related to developing or acquiring the capabilities for the production of nuclear weapons, including a description of gaps in knowledge due to the lack of inspections and nontransparency of such facilities;

(viii) a description of activities between the Islamic Republic of Iran and other countries with respect to sharing information on nuclear weapons or activities related to weapons proliferation;

(ix) with respect to any new ballistic, cruise, or hypersonic missiles being designed and tested by the Islamic Republic of Iran or any of its proxies, a description of—

(I) the type of missile;

(II) the range of such missiles;

(III) the capability of such missiles to deliver a nuclear warhead;

(IV) the number of such missiles; and

(V) any testing of such missiles;

(x) an assessment of the Islamic Republic of Iran or any of its proxies possession of, and its potential use of, any new military equipment capable of delivering a nuclear weapon;

(xi) an assessment of whether the Islamic Republic of Iran or any of its proxies possesses any new or evolving uranium enrichment, nuclear weaponization, or missile development activities by the Islamic Republic of Iran pose to United States citizens, the diplomatic presence of the United States in the Middle East, and the national security interests of the United States;

(2) CONTENTS.—The diplomatic strategy required by this subsection, the Director of National Intelligence, the Secretary of Defense, and the Secretary of State shall submit to the appropriate congressional committees an assessment of the threat posed by the Islamic Republic of Iran against United States partners or allies and the associated response by the United States Government in the previous 120 days; and

(3) FORM; PUBLIC AVAILABILITY; DUPLICATION.—

(A) FORM.—Each assessment required by this subsection shall be submitted in unclassified form but may include a classified annex for information that, if released, would be detrimental to the national security of the United States.

(B) PUBLIC AVAILABILITY.—The unclassified portion of an assessment required by this subsection shall be made available to the public on an internet website of the Office of the Director of National Intelligence.

(C) DUPLICATION.—For any assessment required by this subsection, the Director of National Intelligence may rely upon existing products that reflect the current analytic judgment of the intelligence community, including reports or products produced in response to congressional mandate or requests from executive officials.

(D) DIPLOMATIC STRATEGY TO ADDRESS IDENTIFIED NUCLEAR, BALLISTIC MISSILE, AND TERRORISM THREATS TO THE UNITED STATES.—

(I) IN GENERAL.—Not later than 30 days after the submission of the initial assessment under subsection (IV), and annually thereafter by the Nuclear Suppliers Group or any successor list the Islamic Republic of Iran is using to further the nuclear weapon or missile program;

(2) CONTENTS.—The diplomatic strategy required by this subsection shall include—

(A) an assessment of whether the Islamic Republic of Iran—

(i) in compliance with the Comprehensive Safeguards Agreement and modified Code 3.1 of the Subsidiary Arrangements to the Comprehensive Safeguards Agreement; and

(ii) has denied access to sites that the International Atomic Energy Agency has sought to inspect during previous 1-year period;

(3) ADDITIONAL AMOUNT FOR CYBER PARTNERSHIP ACTIVITIES.

(a) ADDITIONAL AMOUNT.—Of the amount authorized to be appropriated under this Act for United States Air Force, the amount available for cyber partnership activities (P.L. 115-237, Division A, title III, chapter 2, subchapter 2) is hereby increased by $500,000, with the amount of such increase to be used to support additional travel and workload to achieve an initial intent of expanded Jordanian engagement.

(b) OFFSET.—Of the amount authorized to be appropriated under this Act for United States Navy, the amount available for the HARKAGE program (P.L. 105-164) is hereby reduced by $500,000.
TITLE LXXVIII—MILITARY CONSTRUCTION AND GENERAL PROVISIONS

SEC. 7801. COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION OF CERTAIN STATUTORY PROVISIONS INTENDED TO IMPROVE THE EXPERIENCE OF RESIDENTS OF PRIVATIZED MILITARY HOUSING

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an independent assessment of the implementation, by the Department of Defense of sections 2890, 2891(c), and 2894(c) of title 10, United States Code.

(2) ELEMENTS.—The assessment required under paragraph (1) shall include—

(A) a summary and evaluation of the analysis and information provided to residents of privatized military housing regarding the assessment of performance indicators pursuant to section 2891(c)(b) of title 10, United States Code, and the extent to which residents have requested such an assessment;

(B) a summary of the extent to which the Department collects and uses data on whether members of the Armed Forces and their families residing in privatized military housing, including family and unaccompanied housing, have exercised the rights afforded in the Military Housing Privatization Initiative Tenant Bill of Rights under section 2890 of title 10 United States Code, to include the rights specified under paragraphs (8), (12), (13), (14), and (15) of section 2891c(b) of title 10, United States Code; and an analysis of the implementation by each military department of such section;

(C) an evaluation of the implementation by each military department of section 2891(c) of title 10, United States Code, including, with regard to paragraph (5) of such section—

(i) the number of requests that have been resolved favorably; and

(ii) the number of requests that have been resolved in compliance within the required time period; and

(D) such other matters as the Comptroller General considers necessary.

(b) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than March 31, 2022, the Comptroller General shall provide to the Committees on Armed Services of the Senate and the House of Representatives a report on the assessment conducted under subsection (a).

(2) REPORT.—Not later than one year after the date of 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 assessment conducted under subsection (a).

(c) 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.

SEC. 7802. LAND CONVEYANCE, STARKVILLE, MISSISSIPPI

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army (in this section referred to as the ‘‘Secretary’’) may convey to the City of Starkville, Mississippi (in this section referred to as the ‘‘City’’), all right, title, and interest of the United States in and to the property, including any improvements thereon, located at 343 Highway 12, Starkville, Mississippi 39759, to be used for economic development purposes.

(b) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereto, may, at the option of the Secretary, revert to and become the property of the United States, and the United States may have the right of immediate entry onto such property.

(2) DETERMINATION.—A determination by the Secretary under paragraph (1) shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT AUTHORIZED.—

(A) IN GENERAL.—The Secretary may require the City to cover all costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary in carrying out the conveyance under subsection (a), the Secretary may refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—

Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account in the Treasury established under subparagraph (A) of section 572(b)(5) of title 40, United States Code, and shall be available in accordance with subparagraph (B) of such section.

(d) 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.

(e) ADDITIONAL TERMS AND CONDITIONS.—

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.

TITLE LXXIX—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 8101. PLAN TO ACCELERATE RESTORATION OF DOMESTIC URANIUM ENRICHMENT

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

(1) the United States is engaged in a period of intense strategic competition with 2 peer adversaries, each of which aims to develop nuclear forces superior to the nuclear forces of the United States and its allies in the North Atlantic Treaty Organization;

(2) successfully deterring the aims of such adversaries and preserving the national security of its allies requires that the United States maintain a capable, credible nuclear force, including the capability to produce the materials needed to maintain its nuclear weapons and provide reliable sources of energy for naval vessels and military facilities; and

campus for Lewes City Hall, a police station, and a board of public works.

(b) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereto, may, at the option of the Secretary, revert to and become the property of the United States, and the United States may have the right of immediate entry onto such property.

(2) DETERMINATION.—A determination by the Secretary under paragraph (1) shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT AUTHORIZED.—

(A) IN GENERAL.—The Secretary may require the City to cover all costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary in carrying out the conveyance under subsection (a), the Secretary may refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—

Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) may be credited to the fund or account in the Treasury established under this section.

(3) TREATMENT OF CONSIDERATION RECEIVED.—Consideration received under paragraph (1) shall be deposited in the special account currently available to the Secretary to carry out the conveyance.

(B) REFUND.—If amounts are collected from the City under subparagraph (A) in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance under subsection (a), the Secretary may refund the excess amount to the City.

(TREATMENT OF AMOUNTS RECEIVED)—The exact acreage and legal description of the property to be conveyed under subsection (a) may 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) as the Secretary considers appropriate to protect the interests of the United States.
(3) a key component to achieving those goals is the restoration of the domestic uranium enrichment capability of the United States, a component that will allow the United States to make significant strides toward improved energy independence by reducing reliance on international sources of enriched uranium and opening up tremendous opportunities for improving the competitiveness of the United States in the international energy economy.

(1) in General.—Not later than June 1, 2023, the Secretary of Defense, in coordination with the Administrator for Nuclear Security, shall submit to the congressional defense committees a plan to restore the domestic uranium enrichment capability of the United States by not later than 2035.

(2) Time frame.—The plan required by paragraph (1) shall include the following elements:

(A) Recommendations restore unobligated uranium production, conversion, and enrichment capabilities, including production of high-enriched uranium—

(i) to refurbish the nuclear weapons stockpile of the United States over a period of not more than 30 years;

(ii) to satisfy the annual requirements of the United States for nuclear reactor fuel, including satisfying fuel requirements for all submarines developed using reactor designs and technology of the United States; and

(iii) to satisfy the annual requirements of the United States for defense nuclear power reactors.

(B) Recommendations to improve the production capacity of unobligated low-enriched uranium needed to satisfy annual tritium production requirements for the nuclear weapons stockpile of the United States and associated research and development objectives.

(C) Such other recommendations and information as the Secretary of Defense or the Administrator for Nuclear Security consider appropriate.

SEC. 8102. ASSESSMENT OF READINESS AND SURVIVABILITY OF STRATEGIC FORCES OF THE UNITED STATES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Chairmen of the Joint Chiefs of Staff and the Commander of the United States Strategic Command, shall submit to the congressional defense committees a report on the readiness and survivability of the strategic forces of the United States, including recommendations for improving such readiness and survivability.

SEC. 8103. U.S. NUCLEAR FUELS SECURITY INITIATIVE.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the Department should—

(A) prioritize activities to increase domestic production of low-enriched uranium;

(B) accelerate efforts to establish a domestic high-assay, low-enriched uranium enrichment capability; and

(C) accelerate enrichment of high-assay, low-enriched uranium will not be commercially available at the scale needed in time to meet the needs of the advanced nuclear reactor demonstration projects of the Department, the Secretary shall consider and implement, as necessary—

(A) all viable options to make high-assay, low-enriched uranium produced from inventories owned by the Department available in a manner that is sufficient to maximize the potential for the Department to meet the needs and schedules of advanced nuclear reactor developers.

(B) all viable options for partnering with countries that are allies or partners of the United States to meet those needs and schedules.

(c) Definitions.—In this section:

(1) Advanced Nuclear Reactor.—The term ‘‘advanced nuclear reactor’’ has the meaning given in the term in section 951(b) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)).

(2) Associated Entity.—The term ‘‘associated entity’’ means—

(i) an owner, controlled, or dominated by—

(A) the government of a country that is an ally or partner of the United States; or

(B) is organized under the laws of, or otherwise subject to the jurisdiction of, a country that is an ally or partner of the United States, including a corporation that is incorporated in such a country.

(3) Associated Individual.—The term ‘‘associated individual’’ means an alien who is a national of a country that is an ally or partner of the United States.

(4) Consortium.—The term ‘‘consortium’’ means the consortium established under section 3122A(a) of the Energy Act of 2020 (42 U.S.C. 16281(d)).

(5) Department.—The term ‘‘Department’’ means the Department of Energy.

(6) High-Assay Low-Enriched Uranium; Low-Enriched Uranium; HALEU.—The term ‘‘high-assay, low-enriched uranium’’ or ‘‘HALEU’’ means high-assay

low-enriched uranium (as defined in section 2001(d) of the Energy Act of 2020 (42 U.S.C. 16281(d))).

(7) Low-Enriched Uranium; LEU.—The term ‘‘low-enriched uranium’’ or ‘‘LEU’’ means each of—

(A) low-enriched uranium (as defined in section 3102 of the USEC Privatization Act (42 U.S.C. 229f-12)); and

(B) low-enriched uranium (as defined in section 3112A(a)(1) of that Act (42 U.S.C. 229f-11a(a))).

(8) Programs.—The term ‘‘Programs’’ means—

(A) the Nuclear Fuel Security Program established under subsection (d)(1);

(B) the American Assured Fuel Supply Program of the Department; and

(C) the HALEU for Advanced Nuclear Reactor Demonstration Projects Program established under subsection (d)(3).

(9) Secretary.—The term ‘‘Secretary’’ means the Secretary of Energy.

(10) U.S. Nuclear Energy Company.—The term ‘‘U.S. nuclear energy company’’ means a program that—

(A) is organized under the laws of, or otherwise subject to the jurisdiction of, the United States; and

(B) is involved in the nuclear energy industry.

(d) Establishment and Expansion of Programs.—The Secretary, consistent with the objectives described in subsection (b), shall—

(1) establish a program, to be known as the ‘‘Nuclear Fuel Security Program,’’ to increase the quantity of LEU and HALEU produced by U.S. nuclear energy companies;

(2) establish, in coordination with the Nuclear Fuel Security Program of the Department to ensure the availability of domestically produced, converted, and enriched uranium in the event of a supply disruption;

(3) establish a program, to be known as the ‘‘HALEU for Advanced Nuclear Reactor Demonstration Projects Program’’—

(i) to begin acquiring not less than 20 metric tons of LEU and HALEU from U.S. nuclear energy companies; and

(ii) where practicable, to partner with countries that are allies or partners of the United States to meet those needs and schedules.

(e) Nuclear Fuel Security Program.—(1) In General.—In carrying out the Nuclear Fuel Security Program, the Secretary—

(A) shall—

(i) not later than 180 days after the date of enactment of this Act, enter into 2 or more contracts to begin acquiring not less than 100 metric tons per year of LEU by December 31, 2026 (or the earliest operationally feasible date thereafter), to ensure diverse domestic uranium mining, conversion, enrichment, deconversion, and reduction capacity and technologies, including new capacity, among U.S. nuclear energy companies;

(ii) not later than 180 days after the date of enactment of this Act, enter into 2 or more contracts with members of the consortium to begin acquiring not less than 20 metric tons per year of HALEU by December 31, 2027 (or the earliest operationally feasible date thereafter); from U.S. nuclear energy companies;

(iii) utilize only uranium produced, converted, and enriched in—

(A) the United States; or

(B) countries that are allies or partners of the United States; and

(C) where practicable, with countries that are allies or partners of the United States; and

(iv) to address gaps and deficiencies in the domestic power reactor fuel cycle, enrichment, deconversion, and reduction technology deployed in the United States; and

(v) to ensure that, under such time that domestic enrichment and deconversion of high-assay, low-enriched uranium is commercially available at the scale needed to meet the needs of advanced nuclear reactor developers, the Secretary considers and implements, as necessary—

(A) all viable options to make high-assay, low-enriched uranium produced from inventories owned by the Department available in a manner that is sufficient to maximize the potential for the Department to meet the needs and schedules of advanced nuclear reactor developers.

(B) all viable options for partnering with countries that are allies or partners of the United States to meet those needs and schedules.

(2) Definitions.—In this section—

(A) American Assured Fuel Supply Program.—The term ‘‘American Assured Fuel Supply Program’’ means the program established under section 3122A(a)(2)(F).

(B) Demonstration Projects Program.—The term ‘‘Demonstration Projects Program’’ means the Demonstration Projects Program of the Department.

(C) U.S. nuclear energy company.—The term ‘‘U.S. nuclear energy company’’ means a program that—

(i) is organized under the laws of, or otherwise subject to the jurisdiction of, the United States; and

(ii) is involved in the nuclear energy industry.

(D) Nuclear Fuel Security Program.—The term ‘‘Nuclear Fuel Security Program’’ means the program established under section 3122A(a)(1).

(E) Secretary.—The term ‘‘Secretary’’ means the Secretary of Energy.
(iv) to the maximum extent practicable, ensure that the use of domestic uranium utilized as a result of that program does not negatively affect the economic operation of nuclear energy companies or national utilities and
(B)(i) may not make commitments under this subsection (including cooperative agreements (used in accordance with section 6305 of title 31, United States Code), purchase agreements, guarantees, leases, service contracts, or any other type of commitment) for the purchase or other acquisition of HALEU or LEU; and
(ii) the commitment is funded entirely by funds made available to the Department from the account described in subsection (i)(2)(B); and
(ii) may make a commitment described in clause (i) only—
(i) if the full extent of the anticipated costs stemming from the commitment is recorded as an obligation at the time that the commitment is made; and
(ii) if the extent of that up-front obligation recorded in full at that time.
(2) CONSIDERATIONS.—In carrying out paragraph (1)(A)(ii), the Secretary shall consider and, if appropriate—
(A) options to ensure the quickest availability of commercially enriched HALEU, including—
(i) partnerships between 2 or more commercial enrichers; and
(ii) utilization of up to 10-percent enriched uranium as feedstock in demonstration-scale or commercial HALEU enrichment facilities; (B) options to partner with countries that are allies or partners of the United States to provide LEU and HALEU for commercial purposes; (C) options that provide for an array of HALEU—
(i) enrichment levels; (ii) output levels to meet demand; and (iii) fuel forms, including uranium metal and oxide; and
(D) options—
(i) to replenish, as necessary, Department stockpiles of uranium that was intended to be downblended for other purposes, but was instead used for activities under the HALEU for Advanced Nuclear Reactor Demonstration Projects Program; (ii) to continue supplying HALEU to meet the needs of recipients of an award made pursuant to the funding opportunity announcement of the Department numbered DE-F0A-0002271 for Pathway 1, Advanced Reactor Demonstrations; and (iii) to make HALEU available to other advanced nuclear reactor developers and other end-users.
(3) AVOIDANCE OF MARKET DISRUPTIONS.—In carrying out the Nuclear Fuel Security Program, the Secretary, to the extent practicable and consistent with the purposes of that program, shall not disrupt or replace market mechanisms by competing with U.S. nuclear energy companies.
(4) EXPANSION OF THE AMERICAN ASSURED FUEL SUPPLY PROGRAM.—The Secretary, in consultation with U.S. nuclear energy companies, shall—
(1) expand the American Assured Fuel Supply Program of the Department by merging the operations of the Uranium Reserve Program of the Department with the American Assured Fuel Supply Program; and
(2) in carrying out the American Assured Fuel Supply Program of the Department, as expanded under paragraph (1)
(A) to purchase, diversify, or increase the quantity of uranium made available by that program in a manner deter-
SEC. 8104. ISOTOPE DEMONSTRATION AND ADVANCED NUCLEAR RESEARCH INFRASTRUCTURE ENHANCEMENT.

(a) EVALUATION AND DEMONSTRATION OF ISOTOPE DEMONSTRATION PROGRAM.—Section 952(a)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 1627(a)(2)(A)) is amended by striking ‘‘shall evaluate the technical and economic feasibility of the establishment of’’ and inserting ‘‘shall evaluate the technical and economic feasibility of, and, if feasible, is authorized to establish.’’;

(b) ADVANCED NUCLEAR RESEARCH INFRASTRUCTURE ENHANCEMENT.—Section 954(a)(5) of the Energy Policy Act of 2005 (42 U.S.C. 1627(a)(5)) is amended—

(1) by redesigning subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following:

‘‘(E) FUEL SERVICES.—The Secretary shall expand the Research Reactor Infrastructure subprogram of the Radiological Facilities Management program of the Department carried out under paragraph (6) to provide fuel services to research reactors established under this paragraph.’’

SEC. 8105. REPORT ON CIVIL NUCLEAR CREDIT PROGRAM.

Not later than 180 days after the date on which the enactment of this Act, the Secretary of Energy shall submit to the appropriate committees of Congress a report that identifies the anticipated funding requirements for the nuclear credit program described in section 430323 of the Infrastructure Investment and Jobs Act (42 U.S.C. 18753), taking into account—

(1) the zero-emission nuclear power production credit authorized by section 45Q of the Internal Revenue Code of 1986; and

(2) any increased fuel costs associated with the use of domestic fuel that may arise from the implementation of that program.

DIVISION F—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2023

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This division may be cited as the ‘‘American Security Drone Act of 2023’’.

(b) Table of Contents.—The table of contents for this division is as follows:

DIVISION I—INTELLIGENCE ACTIVITIES


SEC. 103. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. Authorization of appropriations.

TITLE II—GENERAL INTELLIGENCE ACTIVITIES

SEC. 301. Modification of advisory board in National Reconnaissance Office.

SEC. 302. Prohibition on employment with governments of certain countries.

SEC. 303. Counterintelligence and national security protection for Intelligence community grant funding.

SEC. 304. Extension of Central Intelligence Agency law enforcement jurisdiction to facilities of Office of Director of National Intelligence.

SEC. 305. Clarification regarding protection of Central Intelligence Agency functions.


SEC. 308. Timely submission of budget documents from intelligence community.

SEC. 309. Copyright protection for civilian faculty of Central Intelligence University.

SEC. 310. Expansion of reporting requirements relating to authority to pay personnel of Central Intelligence Agency for certain injuries to the brain.

SEC. 311. Modifications to Foreign Malign Influence Response Center.

SEC. 312. Requirement to offer cyber protection support for personnel of intelligence community in positions highly vulnerable to cyber attack.

SEC. 313. Minimum cybersecurity standards for national security systems of Intelligence community.

SEC. 314. Review and report on intelligence community activities under Executive Order 13333.


SEC. 316. Assessing intelligence community open-source support for export controls and foreign investment screening.

SEC. 317. Annual training requirement and report regarding analytic standards.

SEC. 318. Historical Advisory Panel of the Central Intelligence Agency.

TITLE IV—INTELLIGENCE MATTERS RELATING TO THE PEOPLE’S REPUBLIC OF CHINA


SEC. 403. Intelligence community working group for monitoring the economic and technological capabilities of the People’s Republic of China.

SEC. 404. Annual report on concentrated re-education camps in the Xinjiang Uyghur Autonomous Region of the People’s Republic of China.

SEC. 405. Assessment of production of semiconductors by the People’s Republic of China.

TITLE V—PERSONNEL AND SECURITY CLEARANCE MATTERS

SEC. 501. Improving onboarding of personnel in intelligence community.

SEC. 502. Improving onboarding at the Central Intelligence Agency.

SEC. 503. Report on legislative action required to implement Trusted Workforce 2.0 Initiative.

SEC. 504. Comptroller General of the United States assessment of administration of polygraphs in intelligence community.

SEC. 505. Timeliness in the administration of polygraphs.

SEC. 506. Policy on submission of applications for access to classified information for certain personnel.
(1) CONGRESSIONAL INTELLIGENCE COMMIT- 
tees.—The term "congressional intelligence committees" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 403). (2) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given such term in such section.

TITLE II—CENTRAL INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2023 for the conduct of the intelligence activities of the Department of State in accordance with the classified Schedule of Authorizations prepared to accompany this division.

Title VI—INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

Sec. 601. Submission of complaints and information by whistleblowers in the intelligence community to Congress.

Sec. 602. Modification of whistleblower protections for contractor employees in intelligence community.

Sec. 603. Prohibition against disclosure of whistleblower identity as required by the date of enactment of the National Security Act of 1947.

Sec. 604. Definitions regarding whistleblower complaints and information of urgent concern received by the inspector general of the intelligence community.

Sec. 701. Improvements relating to continuity of Privacy and Civil Liberties Oversight Board membership.

Sec. 702. Modification of requirement for office to address unclassified complaints.

Sec. 703. Unidentified aerospace-undersea phenomena reporting procedures.

Sec. 704. Comptroller General of the United States report on use of Governor.

Sec. 705. Office of Global Competition Analysis.

Sec. 706. Report on tracking and collecting proliferator chemical weapons used in the production of synthetic opioids.

Sec. 707. Assessment and report on mass migration in the Western Hemisphere.

Sec. 708. Notifications regarding transfers of detainees at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 709. Report on international norms, rules, and principles applicable to legal procedures.

Sec. 710. Establishing process parity for adverse security clearance and access determinations.

Sec. 711. Assessments and briefings on implications of food insecurity that may result from the Russian Federation’s invasion of Ukraine.

Sec. 712. Pilot program for Director of Federal Bureau of Investigation to undertake an effort to identify International Mobile Subscriber Identity-catchers and forfeiture of counterfeit currencies.

Sec. 713. Department of State Bureau of Intelligence and Research assessment of anomalous health incidents.

SEC. 2. DEFINITIONS.

In this division:

(a) INDIVIDUAL.—The term "individual" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 403). (b) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given such term in such section.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 201. MODIFICATION OF ADVISORY BOARD IN NATIONAL RECONNAISSANCE OFFICE.

Subject to section 106a(d) of the National Security Act of 1947 (50 U.S.C. 3011(a)(3)), the National Reconnaissance Office shall (1) select and designate, and (2) the date that is 3 years after the date of the first meeting of the Board.

(1) CONGRESSIONAL INTELLIGENCE COMMIT- 
tees.—The term "congressional intelligence committees" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 403). (2) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given such term in such section.

TITLE VI—INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

Sec. 601. Submission of complaints and information by whistleblowers in the intelligence community to Congress.

Sec. 602. Modification of whistleblower protections for contractor employees in intelligence community.

Sec. 603. Prohibition against disclosure of whistleblower identity as required by the date of enactment of the National Security Act of 1947.

Sec. 604. Definitions regarding whistleblower complaints and information of urgent concern received by the inspector general of the intelligence community.

Sec. 701. Improvements relating to continuity of Privacy and Civil Liberties Oversight Board membership.

Sec. 702. Modification of requirement for office to address unclassified complaints.

Sec. 703. Unidentified aerospace-undersea phenomena reporting procedures.

Sec. 704. Comptroller General of the United States report on use of Governor.

Sec. 705. Office of Global Competition Analysis.

Sec. 706. Report on tracking and collecting proliferator chemical weapons used in the production of synthetic opioids.

Sec. 707. Assessment and report on mass migration in the Western Hemisphere.

Sec. 708. Notifications regarding transfers of detainees at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 709. Report on international norms, rules, and principles applicable to legal procedures.

Sec. 710. Establishing process parity for adverse security clearance and access determinations.

Sec. 711. Assessments and briefings on implications of food insecurity that may result from the Russian Federation’s invasion of Ukraine.

Sec. 712. Pilot program for Director of Federal Bureau of Investigation to undertake an effort to identify International Mobile Subscriber Identity-catchers and forfeiture of counterfeit currencies.

Sec. 713. Department of State Bureau of Intelligence and Research assessment of anomalous health incidents.

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TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

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TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 201. MODIFICATION OF ADVISORY BOARD IN NATIONAL RECONNAISSANCE OFFICE.

Subject to section 106a(d) of the National Security Act of 1947 (50 U.S.C. 3011(a)(3)), the National Reconnaissance Office shall (1) select and designate, and (2) the date that is 3 years after the date of the first
first began to provide before the date of the enactment of the American Security Drone Act of 2022; (2) a former covered employee who, on or after the date of the enactment of the American Security Drone Act of 2022, provides services described in subsection (b) to a person or entity that is directed and controlled by a government that is a state sponsor of terrorism, the People’s Republic of China, or the Russian Federation as a result of a merger, acquisition, or similar change of ownership that occurred after the date on which such former covered employee first began to provide such services; (3) a former covered employee who, on or after the date of the enactment of the American Security Drone Act of 2022, provides services described in subsection (b) to—

(A) a government that was designated as a state sponsor of terrorism before the date on which such former covered employee first began to provide such services; or

(B) a person or entity directed and controlled by a government described in subparagraph (A).''.

(2) ANNUAL REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives an annual report identifying the following for the one-year period covered by the report:

(1) The number of applications for grants received by each element of the intelligence community.

(2) The number of such applications that were reviewed for each element of the intelligence community, using the process established under subsection (b).

(3) The number of applications that were denied and the reasons for such denials for each element of the intelligence community.

(d) APPLICABILITY.—Subsections (a) and (b) shall apply only with respect to grants awarded by an element of the intelligence community after the date of the enactment of this Act.

SEC. 305. PROHIBITION ON EMPLOYMENT WITH THE NATIONAL SECURITY ACT OF 1947 (50 U.S.C. 3507) PROHIBITED.

(a) DEFINITION.—In this subsection, the term "appropriate committees of Congress" means—

(A) the congressional intelligence committees;

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(C) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(2) In General.—Not later than March 31 of each year through 2032, the Director of National Intelligence shall submit to the appropriate committees of Congress a report on any violations of subsection (b) of section 355 of the National Security Act of 1947, as added by subsection (a) of this section, by former covered employees (as defined in subsection (a) of such section 355).

(c) CLERICAL AMENDMENT.—The table of contents immediately preceding section 2 of the National Security Act of 1947 (50 U.S.C. 3507) is amended by striking (2) in paragraph (2), by striking "or (D)" and inserting "or (D)" after "in subparagraph (C):"

SEC. 306. EXTENSION OF CENTRAL INTELLIGENCE AGENCY LAW ENFORCEMENT AUTHORITY TO FACILITIES OF OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.

(a) In General.—Section 15(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3515(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking "and" and inserting a semicolon;

(B) by redesignating subparagraph (D) as subparagraph (E);

(C) by inserting after subparagraph (C) the following:

"(D) within an installation owned, or contracted to be owned, for a period of one year or longer, by the Office of the Director of National Intelligence; and; and

(D) in subparagraph (E), as redesignated by subparagraph (A), by inserting "or (D)" after "in subparagraph (C):"

(2) in paragraph (2), by striking "or (D)" and inserting "or (E)";

(3) in paragraph (4), by striking "in subparagraph (A) or (C)" and inserting "in subparagraph (A), (C), or (D));

(4) in paragraph (5), by striking "in subparagraph (A) or (C)" and inserting "in subparagraph (A), (C), or (D)";

(b) CONFORMING AMENDMENT.—Section 27(a)(4) of such Act (50 U.S.C. 3524(a)(4)) is amended by inserting "Office of the Director of National Intelligence" after "protection of Agency.

SEC. 307. ANNUAL REPORTS ON STATUS OF RECOMMENDATIONS OF COMPTROLLER GENERAL OF THE UNITED STATES FOR THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) DEFINITION OF OPEN RECOMMENDATIONS.—In this section, the term "open recommendations" refers to recommendations made by the Comptroller General of the United States that the Comptroller General has not yet designated as closed.

(b) ANNUAL REPORTS.—Each year, the Comptroller General shall submit to the Director of National Intelligence a list of all open recommendations made to the Director,
disaggregated by report number and recommendation number.

(c) ANNUAL REPORTS BY DIRECTOR OF NATIONAL INTELLIGENCE.—Not later than 120 days after the date on which the Director receives a list under subsection (b), the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the House of Representatives, and the Comptroller General a report on the actions taken by the Director and actions the Director intends to take, alone or in coordination with the heads of other Federal agencies, in response to each open recommendation identified in the list, including open recommendations that the Director considers closed and recommendations the Director determines do not require further action, as well as the basis for that determination.

SEC. 308. TIMELY SUBMISSION OF BUDGET DOCUMENTS FROM INTELLIGENCE COMMUNITY.

Not later than 5 days after the date on which the President submits to Congress a budget for a fiscal year pursuant to section 1105(a) of title 31, United States Code, the Director of National Intelligence shall submit to Congress the supporting information under such section for each element of the intelligence community for that fiscal year.

SEC. 309. COPYRIGHT PROTECTION FOR CIVILIAN FACULTY OF THE NATIONAL INTELLIGENCE UNIVERSITY.

Section 110(a) of title 17, United States Code, is amended—

(1) in subparagraph (A), by inserting ''and''

(ii) the number of individuals who have suffered harm as a result of injuries described in clause (iv).

(2) in subparagraph (A), by inserting ''and''

(iv) appropriate committees of Congress.

SEC. 311. MODIFICATIONS TO FOREIGN MALIGN INFLUENCE RESPONSE CENTER.

(a) RENAMING.—

(1) in the section heading, by striking ''responses'' and inserting ''Response'';

(b) PLAN.—Not later than 180 days after the date that is 1 year after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives an implementation plan for providing the support described in section 606(b) of the Damascus Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3334d(b)) as amended by subsection (a), including a description of the training and resources needed to implement the support and the methodology for determining personnel level described in paragraph (2) of such section.

(b) PLAN.—Not later than the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives an implementation plan for providing the support described in section 606(b) of the Damascus Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3334d(b)) as amended by subsection (a), including a description of the training and resources needed to implement the support and the methodology for determining personnel level described in paragraph (2) of such section.

SEC. 312. MINIMUM CYBERSECURITY STANDARDS FOR NATIONAL SECURITY SYSTEMS OF INTELLIGENCE COMMUNITY.

(a) DEFINITION OF NATIONAL SECURITY SYSTEMS.—In this section, the term ''national security systems'' has the meaning given such term in section 3552(b) of title 44, United States Code, and includes systems described in paragraph (2) or (3) of section 3552 of such title.

(b) REQUIREMENT TO ESTABLISH CYBERSECURITY STANDARDS FOR NATIONAL SECURITY SYSTEMS.—The Director of National Intelligence shall, in coordination with the National Manager for National Security Systems, establish minimum cybersecurity requirements that shall apply to all national security systems operated by, on the behalf of, or under a law administered by the head of an element of the intelligence community. For each implementation deadline, the requirements published pursuant to subsection (b) shall include appropriate deadlines by which all elements of the intelligence community that owns or operates a national security system shall have fully implemented the requirements established under subsection (b) for all national security systems that it owns or operates.

(c) MAINTENANCE OF REQUIREMENTS.—Not less frequently than once every 2 years, the Director shall reevaluate and update the cybersecurity requirements established under subsection (b).

(d) RESOURCES.—The head of each element of the intelligence community that owns or operates a national security system shall update plans of the element to prioritize resources in such a manner as to fully implement the requirements established pursuant to subsection (b) by the deadline established pursuant to subsection (c) for the next 10 fiscal years.

(e) EXEMPTIONS.—

(1) IN GENERAL.—A national security system of an element of the intelligence community may be exempted from the minimum cybersecurity standards established under subsection (b) in accordance with the process established under paragraph (2).

(2) PROCESS FOR EXEMPTION.—The Director shall establish and administer procedures by which specific national security systems can be exempted under paragraph (1).
of the commercial and business operations office of the National Geospatial-Intelligence Agency shall report directly to the Director of the National Geospatial-Intelligence Agency.

SEC. 316. ASSESSING INTELLIGENCE COMMUNITY OPEN-SOURCE SUPPORT FOR EXPORT CONTROL AND FOREIGN INVESTMENT SCREENING.

(a) PILOT PROGRAM TO ASSESS OPEN SOURCE SUPPORT FOR EXPORT CONTROLS AND FOREIGN INVESTMENT SCREENING.—

(1) PILOT PROGRAM AUTHORIZED.—The Director of National Intelligence shall carry out a pilot program to assess the feasibility and advisability of providing intelligence derived from open source, publicly and commercially available information—

(A) to the Department of Commerce to support the export control and investment screening functions of the Department; and

(B) to the Department of Homeland Security to support the export control functions of the Department.

(2) AUTHORITY.—In carrying out the pilot program required by paragraph (1), the Director—

(A) shall establish a process for the provision of information as described in such paragraph; and

(B) may—

(i) acquire and prepare data, consistent with applicable provisions of law and Executive order;

(ii) modernize analytic systems, including through the acquisition, development, or application of automated tools; and

(iii) establish standards and policies regarding the acquisition, treatment, and sharing of open source, publicly and commercially available information.

(c) CONSIDERATIONS.—In conducting the review under subsection (a)(1), the Director shall—

(A) conduct a review to ascertain the feasibility and advisability of compiling and making public information relating to activities of the intelligence community under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities); and

(B) submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the findings of the Director with respect to the review conducted pursuant to paragraph (1).

(c) MATTERS ADDRESSED.—The report shall address the feasibility and advisability of making available to the public information relating to the following:

(1) Data on activities described in subsection (a)(1), including the following:

(A) The amount of United States person information collected pursuant to such activities.

(B) Queries of United States persons pursuant to such activities.

(C) Dissemination of United States person information pursuant to such activities, including masking and unmasking.

(D) Use of United States person information in criminal proceedings.

(2) Quantitative data and qualitative descriptions of incidents in which the intelligence community violated Executive Order 12333 and associated guidelines and procedures.

(d) DISAGGREGATION FOR PUBLIC RELEASE.—In conducting the review under subsection (a)(1), the Director shall—

(1) consider the public transparency associated with the use by the intelligence community of the authorities provided under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), including relevant data and compliance incidents; and

(2) specify a methodology for the transparency model developed in connection with such Act to activities conducted under Executive Order 12333.

SEC. 315. ELIMINATION OF THE COMMERCIAL AND BUSINESS OPERATIONS OFFICE OF THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

Beginning not later than 90 days after the date of the enactment of this Act, the head of the Department of Commerce shall submit to the appropriate committees of Congress a report on the findings of the Director with respect to the pilot program.

(b) CONTENTS.—The report submitted under subparagraph (A) shall include the following:

(1) An assessment of the feasibility and advisability of providing information as described in subsection (a)(1).

(2) An assessment of the value of open source, publicly and commercially available information to the export control and investment screening missions, using the measures of effectiveness under section 203(b)(3)(A).

(3) Identification of opportunities for and barriers to more effective use of open source, publicly and commercially available information by the intelligence community.

SEC. 317. ANNUAL TRAINING REQUIREMENT AND REPORT REGARDING ANALYTIC STANDARDS.

(a) POLICY FOR TRAINING PROGRAM REQUIRED.—Consistent with sections 1019 and 1020 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3364 and 3364 note), the Director of National Intelligence shall issue a policy that requires each head of an element of the intelligence community, that has an analytic capability, to create, before the date that is 180 days after the date of the enactment of this Act, an annual training program on the standards set forth in Intelligence Community Directive 203 (relating to analytic standards) or successor directive.

(b) CONDUCT OF TRAINING.—Training required pursuant to the policy required by subsection (a) may be conducted in conjunction with other required annual training programs conducted by the element of the intelligence community concerned.

(c) CERTIFICATION OF COMPLETION OF TRAINING.—Each year, each head of an element of the intelligence community shall submit to the congressional intelligence committees a certification as to whether all of the analysts of that element have completed the training required pursuant to the policy required by subsection (a) and if the analysts have not, an explanation of why the training has not been completed.

(b) REPORTS.—

(1) ANNUAL REPORT.—In conjunction with each briefing provided under section 1019(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3364(c)), the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the number and themes of compliance incidents reported to intelligence community analytic ombudspersons relating to the standards set forth in Intelligence Community Directive 203 (relating to analytic standards), or successor directive.

(2) REPORT ON PERFORMANCE EVALUATION.—Not later than 90 days after the date of the enactment of this Act, the head of an element of the intelligence community that has an analytic capability shall submit to the congressional intelligence committees a report describing how compliance with the standards set forth in Intelligence Community Directive 203 (relating to analytic standards), or successor directive, is considered in the performance evaluations and consideration for merit pay, bonuses, and promotions, and other personnel actions for analysts within the element.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Director from providing training described in this section as a service of common concern.
SEC. 318. HISTORICAL ADVISORY PANEL 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 the following:

"SEC. 29. HISTORICAL ADVISORY PANEL.

(a) DEFINITION.—In this section, the terms ‘congressional intelligence committees’ and ‘intelligence community’ have the meanings given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(b) ESTABLISHMENT.—There is established within the Agency an advisory panel to be known as the ‘Historical Advisory Panel’ (in this section referred to as the ‘panel’).

(c) MEMBERSHIP.—

(1) COMPOSITION.—

(A) IN GENERAL.—The panel shall be composed of up to 7 members appointed by the Director from among individuals recognized as scholarly authorities in history, international relations, or related fields.

(B) INITIAL APPOINTMENTS.—Not later than 180 days after the date of the enactment of this Act, the Director shall appoint the initial members of the panel.

(C) CHAIRPERSON.—The Director shall designate a Chairperson of the panel from among its members.

(d) SECURITY CLEARANCES AND ACCESS.—The Director shall sponsor appropriate security clearances and accesses for all members of the panel.

(e) TERMS OF SERVICE.—

(1) IN GENERAL.—Each member of the panel shall be appointed for a term of 3 years, or less if the Director appoints the member for a term of not more than 2 subsequent terms.

(2) RENewAL.—The Director may renew the appointment of a member of the panel for not more than 2 subsequent terms.

(f) DUTIES.—The panel shall advise the Agency on—

(1) topics for research and publication within the Agency;

(2) topics for discretionary declassification reviews;

(3) declassification of specific records or types of records;

(4) determinations regarding topics and records whose continued classification is outweighed by the public benefit of disclosure;

(5) technological tools to modernize the classification and declassification processes to improve the efficiency and effectiveness of these processes; and

(6) other matters as the Director may assign.

(g) REPORTS.—Not less than once each year, the panel shall submit to the Director and the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the activities of the panel.

(h) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.

(i) SUNSET.—The provisions of this section shall expire 7 years after the date of the enactment of this Act, unless reauthorized by statute.

TITLE IV—INTELLIGENCE MATTERS RELATING TO THE PEOPLE'S REPUBLIC OF CHINA

SEC. 401. REPORT ON WEALTH AND CORRUPT ACTIVITIES OF THE LEADERSHIP OF THE CHINESE COMMUNIST PARTY.

(a) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall make available to the public an unclassified report on the wealth and corrupt activities of the leadership of the Chinese Communist Party, including the General Secretary of the Chinese Communist Party and senior leadership officials in the Central Committee, the Politburo, the Politburo Standing Committee, and any other regional Party Secretaries.

(b) ANNUAL UPDATES.—Not later than 2 years after the date of the enactment of this Act and not less frequently than once each year thereafter until the date that is 6 years after the date of the enactment of this Act, the Director shall update the report published under subsection (a).

SEC. 402. IDENTIFICATION AND THREAT ASSESSMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, shall provide to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the risk to national security of the use of—

(1) telecommunications companies with substantial influence in the People's Republic of China operating in the United States or providing services to affiliates and personnel of the intelligence community; and

(2) hospitality and convention companies with substantial investment by the People's Republic of China by affiliates and personnel of the intelligence community for travel on behalf of the United States Government.

SEC. 403. INTELLIGENCE COMMUNITY WORKING GROUP ON MONITORING THE ECONOMIC AND TECHNOLOGICAL CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—The Director of National Intelligence, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, shall establish a cross-intelligence community analytical working group (in this section referred to as the ‘working group’) on the economic and technological capabilities of the People's Republic of China.

(b) MONITORING AND ANALYSIS.—The working group shall monitor and analyze—

(1) the economic and technological capabilities of the People's Republic of China;

(2) the extent to which those capabilities rely on exports, investments in companies, or services from the United States and other foreign countries;

(3) the links of those capabilities to the military-industrial complex of the People's Republic of China; and

(4) the threats those capabilities pose to the national and economic security and values of the United States.

(c) ANNUAL ASSESSMENT.—

(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ‘appropriate committees of Congress’ means—

(A) the congressional intelligence committees;

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(C) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(2) IN GENERAL.—Not less frequently than once each year, the working group shall submit to the appropriate committees of Congress an unclassified list of the top 200 businesses identified by the working group and an unclassified assessment of the impact of the transfer of capital, technology, and data, talent, and technical expertise from the United States to China on the economic, data, talent, and technical expertise from China.

(3) E LEMENTS.—Each assessment required under subsection (a) shall include—

(A) An unclassified overview of the major economic and technological capabilities of the People's Republic of China;

(B) An unclassified list of the top 200 businesses identified by the working group;

(C) An unclassified assessment of the impact of the transfer of capital, technology, and data, talent, and technical expertise from the United States to China on the economic, data, talent, and technical expertise from China;

(D) An unclassified list of the top 200 businesses identified by the working group;

(E) An unclassified assessment of the impact of the transfer of capital, technology, and data, talent, and technical expertise from the United States to China on the economic, data, talent, and technical expertise from China; and

(F) An unclassified assessment of the impact of the transfer of capital, technology, and data, talent, and technical expertise from the United States to China on the economic, data, talent, and technical expertise from China.

(G) ANNUAL ASSESSMENT.—The working group shall annually update the assessments required under subsection (a) of this section.

(H) APPROPRIATE COMMITTEES OF CONGRESS.—The working group shall submit the assessments required under subsection (a) of this section to the appropriate committees of Congress.

(I) MANDATORY NOTIFICATION.—The working group shall notify the appropriate committees of Congress of any significant developments or changes in the economic and technological capabilities of the People's Republic of China that are subject to sanctions imposed by the United States or otherwise subject to United States laws and regulations.

(J) REPORT.—The working group shall submit an annual report to the appropriate committees of Congress on the economic and technological capabilities of the People's Republic of China and the impact of the transfer of capital, technology, and data, talent, and technical expertise from the United States to China on the economic, data, talent, and technical expertise from China.
(ii) evade financial sanctions, export controls, or import restrictions imposed by the United States.

(F) An unclassified list of the top 100 businesses and research institutions, or other entities of the People’s Republic of China that are developing surveillance, smart cities, or related technologies that are—

(1) exporting technologies to other countries, undermining democracy worldwide; or

(ii) provided to the security services of the People’s Republic of China, enabling them to commit severe human rights abuses in China.

(G) An unclassified list of the top 100 businesses and research institutions, or other entities of the People’s Republic of China that are—

(i) operating in the genocide zone in Xinjiang; or

(ii) supporting the Xinjiang Public Security Bureau, the Xinjiang Bureau of the Ministry of State Security, the People’s Armed Police, or the Xinjiang Production and Construction Corps.

(H) A list of investment funds, public companies, or private or early-stage firms of the People’s Republic of China that have received more than $100,000,000 in capital flows from the United States during the 10-year period preceding the date on which the assessment is submitted.

4. PREPARATION OF ASSESSMENTS.—In preparing each assessment required by paragraph (2), the working group shall use open source documents in Chinese language and commerical databases or information.

5. FORMAT.—An assessment required by paragraph (2) may be submitted in the format of a National Intelligence Estimate.

6. FORM.—Each assessment required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

7. PUBLICATION.—The unclassified portion of each assessment required by paragraph (2) shall be published on the publicly accessible website of the Director of National Intelligence.

8. BRIEFINGS TO CONGRESS.—Not less frequently than quarterly, the working group shall provide to Congress a classified briefing on the economic and technological goals, strategies, and progress of the People’s Republic of China that cannot be disclosed in the unclassified portion of an assessment required by subsection (c)(2).

9. CLASSIFIED ANALYSIS.—Each classified annex to an assessment required by subsection (c)(2) or corresponding briefing provided under subsection (d) shall include an analysis of—

(i) the vulnerabilities of the People’s Republic of China, disaggregated by economic sector, industry, and entity; and

(ii) the technological or supply chain chokepoints of the People’s Republic of China that provide leverage to the United States.

10. SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

SEC. 404. ANNUAL REPORT ON CONCENTRATED REEDUCATION CAMPS IN THE XINJIANG UYGHUR AUTONOMOUS REGION OF THE PEOPLE’S REPUBLIC OF CHINA.

(a) DEFINITIONS.—In this section—

(i) the term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate; and

(C) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives.

(ii) the term “covered camp” means a detention camp, prison, forced labor camp, or reeducation camp located in the Xinjiang Uyghur Autonomous Region of the People’s Republic of China, referred to by the Congress as “concentrated reeducation camps” or “vocational training centers”;

(b) ANNUAL REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Director of National Intelligence, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, shall submit to the appropriate committees of Congress a report on the status of covered camps.

(c) ELEMENTS.—Each report required by subsection (b) shall include the following:

(1) An identification of the number and geographic location of covered camps and an estimate of the number of victims detained in covered camps.

(2) A description of—

(A) the types of personnel and equipment in covered camps;

(B) the funding received by covered camps from the Government of the People’s Republic of China; and

(C) the role of the security services of the People’s Republic of China and the Xinjiang Production and Construction Corps in enforcing atrocities at covered camps.

(3) A comprehensive list of—

(A) the entities of the Xinjiang Production and Construction Corps, including subsidiaries and affiliated businesses, with respect to which sanctions have been imposed by the United States;

(B) commercial activities of those entities outside of the People’s Republic of China; and

(C) other Chinese businesses, including in the artificial intelligence, biotechnology, and surveillance technology sectors, that are involved with the atrocities in Xinjiang or supporting the policies of the People’s Republic of China.

(d) FORM.—Each report required by subsection (b) shall be submitted in unclassified form and include a classified annex.

(e) PUBLICATION.—The unclassified portion of each assessment required by paragraph (2) shall be published on the publicly accessible website of the Director of National Intelligence.

SEC. 405. ASSESSMENTS OF PRODUCTION OF SEMICONDUCTORS BY THE PEOPLE’S REPUBLIC OF CHINA.

(a) 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, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to appropriate committees of Congress an assessment on the production of semiconductor manufacturers by Chinese firms, including those firms competing in the fields of artificial intelligence, cloud computing, autonomous vehicles, next-generation telecommunications, and high-performance computing.

(c) PLAN.—

(i) P REREQUISITE.—The assessment required by subsection (b) shall cover the mean and median time it takes to onboard personnel in the intelligence community, for elements of the intelligence community.

(ii) M EASUREMENT.—The time it takes to onboard personnel in the intelligence community shall be measured based on the number of applications to beginning performance of duties.

(d) REPORT.—

(i) I N GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to Congress an intelligence community plan to address the time it takes to onboard personnel in the intelligence community, disaggregated by mode of onboarding and element of the intelligence community.

(ii) M EDIAN TIME.—The report submitted under paragraph (1) shall cover the mean and median time it takes to onboard personnel in the intelligence community, disaggregated by mode of onboarding and element of the intelligence community.
the mean, median, and mode time it takes to onboard personnel in the elements of the intelligence community described in such paragraph, disaggregated by element of the intelligence community.

SEC. 502. IMPROVING ONBOARDING AT THE CENTRAL INTELLIGENCE AGENCY.

(a) DEFINITION OF ONBOARD PERIOD.—In this section, the term ‘onboard period’ means the period beginning on the date on which an individual submits an application for employment with the Central Intelligence Agency and ending on the date on which the individual is formally offered one or more entrance on duty dates.

(b) IN GENERAL.—The Director of the Central Intelligence Agency shall take such actions as the Director considers appropriate and necessary to ensure that, by December 31, 2023, the median duration of the onboard period for new employees at the Central Intelligence Agency is equal to or less than 180 days.

SEC. 503. REPORT ON LEGISLATIVE ACTION REQUIRED TO IMPLEMENT TRUSTED WORKFORCE 2.0 INITIATIVE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Deputy Director for Management of the Office of Management and Budget shall, in the Deputy Director’s capacity as the Chair of the Federal Executive Agent, and the Comptroller General of the United States, submit to Congress a report on the legislative action required to implement the Trusted Workforce 2.0 initiative.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) Specification of the statutes that require amendment in order to implement the initiative described in subsection (a).

(2) For each statute specified under paragraph (1), an indication of the priority for enactment of an amendment.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Director shall brief the Committee on Appropriations of the House of Representatives on the findings of the Comptroller General with respect to the assessment conducted pursuant to subsection (a).

SEC. 505. TIMELINESS IN THE ADMINISTRATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.

(a) STANDARDS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director shall, in the Director’s capacity as the Security Executive Agent pursuant to section 803(a) of the National Security Act of 1947 (50 U.S.C. 3162a(a)), issue standards for timeliness for Federal agencies to administer polygraphs conducted for the purpose of:

(A) adjudicating decisions regarding eligibility for access to classified information, as defined in the procedures established pursuant to subsection (a) of the National Security Act of 1947 (50 U.S.C. 3162(a)); and

(B) determining reciprocity pursuant to Security Executive Agent Directive 2, or successor directive.

(2) PUBLICATION.—The Director shall publish the standards issued under paragraph (1) in the Federal Register or such other venue as the Director considers appropriate.

(b) IMPLEMENTATION PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to Congress an implementation plan for Federal agencies to comply with the standards issused under subsection (a). Such plan shall specify the resources required by Federal agencies to comply with such standards.

SEC. 506. POLICIES AND PROCEDURES FOR APPLICATIONS FOR ACCESS TO CLASSIFIED INFORMATION FOR CERTAIN PERSONNEL.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall, in the Director’s capacity as the Security Executive Agent pursuant to section 803(a) of the National Security Act of 1947 (50 U.S.C. 3162(a)), issue a policy that allows a private person to submit an application for access to classified information, on a nonreimbursable basis, for employer access to classified information for personnel who perform key management and oversight functions who may not merit an application due to their work under any one contract.

SEC. 507. TECHNICAL CORRECTION REGARDING PENALTY FOR SHARING OF COVERED INSIDER THREAT INFORMATION.

Section 806(b) of the Intelligence Authorization Act for Fiscal Year 2022 (Public Law 117–103) is amended by striking ‘‘contracting agency’’ and inserting ‘‘contractor that employs the contractor employee’’.

SEC. 508. ESTABLISHING PROCESS PARITY FOR ADVERSE SECURITY CLEARANCE AND ACCESS DETERMINATIONS.

Subparagraph (C) of section 3001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(4)) is amended to read as follows:

‘‘(C) Contractor.—

‘‘(i) IN GENERAL.—Subject to clause (iii), in determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall find that paragraph (1) was violated if the individual demonstrated that a disclosure described in paragraph (1) was contributing factor in the adverse security clearance or access determination taken against the individual.

‘‘(ii) CIRCUMSTANTIAL EVIDENCE.—An individual under clause (i) may demonstrate that the disclosure was a contributing factor in the adverse security clearance or access determination taken against the individual through circumstantial evidence, such as evidence that—

‘‘(I) the official making the determination knew of the disclosure; and

‘‘(ii) the determination occurred within a period such that a reasonable person could conclude that the disclosure was a contributing factor in the determination.’’

SEC. 509. ELIMINATION OF CAP ON COMPENSATORY DAMAGES FOR RETALIATORY SECURITY CLEARANCES AND ACCESS DETERMINATIONS.

Section 3001(h)(4)(B) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(h)(4)(B)) is amended, in the second sentence, by striking ‘‘not to exceed $300,000’’.

SEC. 510. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON USE OF GOVERNMENT AND INDUSTRY SPACE CERTIFIED AS SENSITIVE COMPARTMENTED INFORMATION FACILITIES.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the average annual utilization of Federal Government and industry space certified as a sensitive compartmented information facility under intelligence community or other Federal agencies.

TITLE VI—INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

SEC. 601. 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(f) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) by redesigning subsection (b) as subsection (1); and

(B) by inserting after subsection (g) the following:

‘‘(b) APPOINTMENT OF SECURITY OFFICERS.—

Each Inspector General under this section, including the designee 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 who intends to report to Congress a complaint or information, so that such employee can obtain direction on how to report to Congress in accordance with appropriate security practices.’’.

(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’’;

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

‘‘(2)(A) Except as provided in subparagraph (B), the employee may contact an intelligence community or another committee of jurisdiction of the Senate or the House of Representatives directly, or 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 who intends to report to Congress a complaint or information, so that such employee can obtain direction on how to report to Congress in accordance with appropriate security practices.’’.
information and notice of the employee’s intent to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

(ii)(I) except as provided in subclause (II), an employee may contact the Inspector General, a statement of the employee’s complaint or information and notice of the employee’s intent to contact an intelligence committee or another committee of jurisdiction directly as described in clause (i) only if the employee—

(‘‘(aa) 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 an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

(‘‘(bb)AA obtains and follows from the Director, through the Inspector General, procedural direction 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 Act of 1978 (5 U.S.C. App.).

(‘‘(I) If an employee seeks procedural direction under subclause (1)(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 a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subparagaph.”; and

(C) by redesignating paragraph (3) as paragraph (4) of such section is amended—

(D) by inserting after paragraph (2) the following:

“(3) An employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Ranking Member, as the case may be, of an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.”;

(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subsection (a) of such section is amended by adding at the end the following:

“(4) Subject to paragraphs (2) and (3) of subsection (d), an employee of an element of the 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 paragraph (1); or

“(B) in addition to reporting such complaint or information under paragraph (1).”;

(b) AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 103H(j) of the National Security Act of 1947 (50 U.S.C. 3033(j)) is amended by adding at the end the following:

“(1) A PPOINTMENT OF SECURITY OFFICERS.—Section 103H(j) of the National Security Act of 1947 (50 U.S.C. 3033(j)) is amended by adding at the end the following:


(2) PROCEDURES.—Subparagraph (D) of section 103H(k)(5) of such Act (50 U.S.C. 3033(k)(5)) is amended—

(A) in clause (i), by inserting “or any other committee of jurisdiction of the Senate or the House of Representatives” after “either—

(B) by amending clause (ii) to read as follows:

“(ii)(I) Except as provided in subclause (II), an employee may contact a congressional intelligence committee or another committee of jurisdiction directly as described in clause (i) only if the employee—

“(aa) 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 an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

(‘‘(BB) obtains and follows such procedural direction from the applicable security officer appointed under section 8H(h) of the Inspector General Act of 1978 (5 U.S.C. App.).

(‘‘(I) If an employee seeks procedural direction under subclause (1)(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 a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subparagaph.”; and

(C) by redesigning clause (iii) as clause (iv); and

(D) by inserting after clause (ii) the following:

“(iii) An employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Ranking Member, as the case may be, of a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.”;

(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subparagraph (A) of such section is amended—

(A) by inserting “(i)” before “An employee of”; and

(B) by adding at the end the following:

“(ii) Subject to clauses (ii) and (iii) of subparagraph (D), an employee of an element of the 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—

“(1) in lieu of reporting such complaint or information under clause (i); or

“(2) in addition to reporting such complaint or information under clause (i).”;

(c) AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3317(d)(5)) is amended by adding at the end the following:

“(D) by inserting after paragraph (2) the following:

“(2) PROCEDURES.—Subparagraph (D) of such section is amended—

(A) in clause (i), by inserting “or any other committee of jurisdiction of the Senate or the House of Representatives” after “either—

(B) by amending clause (ii) to read as follows:

“(ii)(I) Except as provided in subclause (II), an employee may contact an intelligence committee or another committee of jurisdiction directly as described in clause (i) only if the employee—

“(aa) 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 an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

(‘‘(BB) obtains and follows such procedural direction from the applicable security officer appointed under section 8H(h) of the Inspector General Act of 1978 (5 U.S.C. App.).

(‘‘(I) If an employee seeks procedural direction under subclause (1)(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 a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subparagaph.”; and

(C) by redesigning clause (iii) as clause (iv); and

(D) by inserting after clause (ii) the following:

“(iii) An employee of the Agency who intends to report to Congress a complaint or information may report such complaint or information to the Director, through the Inspector General Act of 1978 (5 U.S.C. App.).”;

(2) PROCEDURES.—Subparagraph (D) of such section is amended—

(A) by inserting “(i)” before “An employee of”; and

(B) by adding at the end the following:

“(ii) Subject to clauses (ii) and (iii) of subparagraph (D), an employee of the Agency 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—

“(1) in lieu of reporting such complaint or information under clause (i); or

“(2) in addition to reporting such complaint or information under clause (i).”;

(d) RULE OF CONSTRUCTION.—Nothing in this section or an amendment made by this section shall be construed to revoke or diminish any right of an individual provided by section 2303 of title 5, United States Code.

SEC. 602. MODIFICATION OF WHISTLEBLOWER PROTECTION FOR CONTRACTOR EMPLOYEES IN INTELLIGENCE COMMUNITY.

Section 1104(c)(1)(A) of the National Security Act of 1947 (50 U.S.C. 3248(c)(1)(A)) is amended by inserting “a supervisor of the employing agency with responsibility for the subject matter of the disclosure,” after “chain of command.”.
SEC. 603. PROHIBITION AGAINST DISCLOSURE OF WHISTLEBLOWER IDENTITY AS REPRISAL AGAINST WHISTLEBLOWER Disclosures by EMPLOYEES OF CONTRACTORS IN INTELLIGENCE COMMUNITY.

(a) In General.—Section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) is amended—

(1) in subsection (a)(3) of such section—

(A) by striking "(1)," by striking "; or" and inserting a semicolon; and

(B) by redesignating subsection (J) as subparagraph (K); and

(2) by inserting after subparagraph (J) the following:

"(1) a knowing and willful disclosure revealing the identity or other personally identifiable information of an employee or contractor employee; or;

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (e) the following:

"(1) PERSONNEL ACTIONS INVOLVING DISCLOSURES OF WHISTLEBLOWER IDENTITY.—A personnel action described in subsection (a)(3)(J) shall not be considered in violation of subsection (b) or (c) under the following circumstances:


"(B) the personnel action was made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; or

"(C) the personnel action was required by statute or an order from a court of competent jurisdiction.

(b) APPLICABILITY TO DETAILERS.—Subsection (a) of section 1104 of such Act (50 U.S.C. 3234) is amended by adding at the end the following:

"(5) EMPLOYEE.—The term 'employee,' with respect to an agency or a covered intelligence community element, includes an individual who has been detailed to such agency or covered intelligence community element.

SEC. 604. DEFINITIONS REGARDING WHISTLEBLOWER COMPLAINTS AND INFORMATION OF URGENT CONCERN RECEIVED BY INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) NATIONAL SECURITY ACT OF 1947.—Section 1702(a)(1) of the National Security Act of 1947 (50 U.S.C. 3033(k)(5)) is amended by striking "as within the" and all that follows through "policy 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) INSPECTOR GENERAL ACT OF 1978.—Section 8H(h)(1)(A)(i) of the Inspector General General Act of 1978 (5 U.S.C. App.) is amended by striking "involving" and all that follows through "policy matters." and inserting the following: "of the Federal Government that is—

"(1) a matter of national security; and

"(2) not a difference of opinion concerning public policy matters.

"(c) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 17(d)(5)(G)(1)(aa) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)(G)(1)(aa)) is amended by striking "involving" and all that follows through "policy matters." and inserting the following: "of the Federal Government that is—

"(1) a matter of national security; and

"(2) not a difference of opinion concerning public policy matters.

SEC. 605. MODIFICATION OF REQUIREMENT FOR ORDERS TO ADDRESS UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA.

(a) IN GENERAL.—Section 1683 of the National Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373) is amended to read as follows:

"(b) ESTABLISHMENT OF UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA JOINT PROGRAM OFFICE.

(1) ESTABLISHMENT OF OFFICE.—

"(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the America Security Drone Act of 2022, the Secretary of Defense, in coordination with the Director of National Intelligence, shall establish an office within the Department of Defense known as the Office of the Director of National Intelligence to address unidentified aerospace-undersea phenomena.

(2) ABILITY TO RESPOND.—The Secretary, in coordination with the Director of National Intelligence, shall ensure that each of the agencies comprising the intelligence community are reported to the Secretary of Defense, in consultation with the Director of National Intelligence, and submitting a report on such procedures to the congressional defense committees, the congressional intelligence committees, and congressional leadership.

(3) ESTABLISHING PROCEDURES TO REQUIRE THE TIMELINESS AND CONSISTENT REPORTING OF SUCH INCIDENTS.

(4) EVALUATING LINKS BETWEEN UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA AND ADVERSARIAL FOREIGN GOVERNMENTS OR NONSTATE ACTORS.

(5) EVALUATING THE THREAT THAT SUCH INCIDENTS PRESENT TO THE UNITED STATES.

(b) COORDINATING WITH OTHER DEPARTMENTS AND AGENCIES OF THE FEDERAL GOVERNMENT, AS APPROPRIATE.

"(6) Preparing reports for Congress, in both classified and unclassified form, including

"(7) Coordinating with partners and allies of the United States, as appropriate, to better assess the nature and extent of unidentified aerospace-undersea phenomena.

"(8) Ensuring that appropriate elements of the intelligence community receive all reports received by the Office regarding temporary attribution or an object as part of an object's or projectile's identity as mentioned above, including by creating a procedure to ensure that the Office refers such reports to the appropriate element of the intelligence community for distribution among other relevant elements of the intelligence community, in addition to the reports in the repository described in paragraph (2).

"(9) RESPONSE TO AND FIELD INVESTIGATIONS OF UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA.

"(1) DESIGNATION.—The Secretary, in coordination with the Director of National Intelligence, shall designate one or more line organizations within the Department of Defense and the intelligence community that possess appropriate expertise, authorities, and capabilities to rapidly respond to, and conduct field investigations of, incidents involving unidentified aerospace-undersea phenomena under the direction of the Director of the Office.

"(2) ABILITY TO RESPOND.—The Secretary, in coordination with the Director of National Intelligence, shall designate one or more line organizations within the Department of Defense and the intelligence community that possess appropriate expertise, authorities, and capabilities to rapidly respond to, and conduct field investigations of, incidents involving unidentified aerospace-undersea phenomena under the direction of the Director of the Office.
require specific expertise, equipment, transport, and other resources necessary to respond rapidly to incidents or patterns of observations involving unidentified aerospace-undersea phenomena.

(c) SCIENTIFIC, TECHNOLOGICAL, AND OPERATIONAL DATA ON UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA.—

(1) DESIGNATION.—The Secretary, in coordination with the Director of National Intelligence, shall designate one or more line organizations that will be primarily responsible for scientific, technical, and operational analysis of data gathered by field investigations, laboratory experiments, and other means.

(2) AUTHORITY.—The Secretary and the Director of National Intelligence shall each, in coordination with the other member agencies of the intelligence community, have access to procedures by which the personnel shall report incidents or information related to unidentified aerospace-undersea phenomena.

(d) INTELLIGENCE COLLECTION.—

(1) AVAILABILITY OF DATA AND REPORTING ON UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA.—The Director of National Intelligence shall ensure that the information:

(A) each element of the intelligence community with data related to unidentified aerospace-undersea phenomena makes such data available immediately to the Office;

(B) military and civilian personnel of the Department of Defense or an element of the intelligence community, and contractors and subcontractors of the Department or such an element of the intelligence community, who are privy to the data shall report incidents or information, including adverse physiological effects, involving or associated with unidentified aerospace-undersea phenomena directly to the Office.

(2) INTELLIGENCE COLLECTION AND ANALYSIS PLAN.—The Director of the Office, acting on behalf of the Secretary and the Director of National Intelligence, shall supervise the development and execution of an intelligence collection and analysis plan to gain knowledge as quickly as possible regarding the technical and operational characteristics, origins, and intentions of unidentified aerospace-undersea phenomena, including to develop the acquisition, deployment, and operation of technical collection capabilities necessary to detect, identify, and scientifically characterize unidentified aerospace-undersea phenomena.

(3) USE OF RESOURCES AND CAPABILITIES.—

(A) LEADERSHIP.—The Director of the National Geospatial-Intelligence Agency shall lead the interagency community with respect to unidentified aerospace-undersea phenomena geospatial intelligence.

(B) BRIEFS.—Not later than 90 days after the date of the enactment of the American Security Drone Act of 2022 and not less frequently than once every 90 days thereafter, the Director of National Intelligence, the Secretary of Defense, and the Secretary of Homeland Security shall submit to the congressional committees specified in section (d) and data from other sources, including with respect to the testing of materials, medical studies, and development of theoretical models, to better understand and explain unidentified aerospace-undersea phenomena.

(4) DIRECTOR OF THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—

(A) LEADERSHIP.—The Director of the National Geospatial-Intelligence Agency shall lead the interagency community with respect to unidentified aerospace-undersea phenomena geospatial intelligence.

(B) BRIEFS.—Not later than 90 days after the date of the enactment of the American Security Drone Act of 2022 and not less frequently than once every 90 days thereafter, the Director of National Intelligence, the Secretary of Defense, and the Secretary of Homeland Security shall submit to the congressional committees specified in section (d) and data from other sources, including with respect to the testing of materials, medical studies, and development of theoretical models, to better understand and explain unidentified aerospace-undersea phenomena.

(5) SCIENCE PLAN.—The Director of the Office, on behalf of the Secretary and the Director of National Intelligence, shall supervise the development and execution of a science plan to develop and test, as practicable, scientific theories to:

(A) assess the characteristics and performance of unidentified aerospace-undersea phenomena that exceed the known state of the art in science or technology, including in the areas of propulsion, aerodynamic control, signatures, structures, materials, sensors, countermeasures, weapons, electronics, and power generation; and

(B) provide the foundation for potential future investments to replicate or otherwise better understand any such advanced characteristics and performance.

(6) ASSIGNMENT OF PRIORITY.—The Director of National Intelligence, in consultation with, and with the recommendation of, the congressional committees specified in section (d) and data from other sources, including with respect to the testing of materials, medical studies, and development of theoretical models, to better understand and explain unidentified aerospace-undersea phenomena.

(7) DATA; INTELLIGENCE COLLECTION.—

(1) REPORTS FROM DIRECTOR OF NATIONAL INTELLIGENCE.—

(A) REQUIREMENT.—Not later than 180 days after the date of the enactment of the American Security Drone Act of 2022, the Director of the Office, in consultation with the Secretary of Defense, and the Director of National Intelligence shall jointly establish a core group within the Office that shall include, at a minimum, representatives with all relevant and appropriate security clearances from the following:

(i) The Central Intelligence Agency.

(ii) The National Security Agency.

(iii) The National Reconnaissance Office.

(iv) The Air Force.

(v) The Space Force.

(vi) The National Intelligence Community.

(vii) The National Geospatial-Intelligence Agency.


(B) ANNUAL REPORTS.—

(i) REQUIRED REPORTS.—Not later than 180 days after the completion of each half-year period, the Director of the Office shall submit to the congressional committees specified in section (d) and data from other sources, including with respect to the testing of materials, medical studies, and development of theoretical models, to better understand and explain unidentified aerospace-undersea phenomena.

(ii) REQUIREMENTS.—The Office shall submit classified briefings on unidentified aerospace-undersea phenomena over restricted airspace of the United States over the one-year period.

(iii) ANNUAL REPORT.—Not later than one year after the date of the enactment of the American Security Drone Act of 2022, and annually thereafter, each element of the intelligence community shall submit to the congressional committees specified in subparagraphs (A), (B), (C), and subsections (1) and (2) of section 101 classified briefings on unidentified aerospace-undersea phenomena over restricted airspace of the United States over the one-year period.

(iv) SCIENCE PLAN.—The Office shall submit classified briefings on unidentified aerospace-undersea phenomena over restricted airspace of the United States over the one-year period.

(v) IDENTIFICATION OF POTENTIAL AEROSPACE-UNDERSEA PHENOMENA.—

(A) IDENTIFICATION OF POTENTIAL AEROSPACE-UNDERSEA PHENOMENA.—The Office shall identify potential aerospace-undersea phenomena related to identified aerospace-undersea phenomena.

(B) REPORTS TO THE CONGRESSIONAL COMMITTEES.—The Office shall provide each element of the intelligence community with a detailed description of the coordination between the Office and the element of the intelligence community, any concerns with such coordination, and recommendations for improving such coordination.

(8) SEMIANNUAL BRIEFS.—

(A) REQUIREMENT.—Not later than one year after the date of the enactment of the American Security Drone Act of 2022, and annually thereafter, each element of the intelligence community shall submit to the congressional committees specified in subparagraphs (A), (B), (C), and subsections (1) and (2) of section 101 classified briefings on unidentified aerospace-undersea phenomena.
"(2) FIRST BRIEFING.—The first briefing provided under paragraph (1) shall include all incidents involving unidentified aerospace-undersea phenomena that were reported to the Unidentified Aerial Phenomena Task Force or to the Office established under subsection (a) after June 24, 2021, regardless of the date of occurrence of the incident.

"(3) SUBSEQUENT BRIEFINGS.—Each briefing provided subsequent to the first briefing described in paragraph (2) shall include, at a minimum, all events relating to unidentified aerospace-undersea phenomena that occurred during the previous 180 days, and events relating to unidentified aerospace-undersea phenomena that were not included in an earlier briefing.

"(4) INSTANCES IN WHICH DATA WAS NOT SHARED.—For each briefing period, the Director of the Office shall jointly provide to the chairman or chair and the ranking member or vice chair of the congressional committees specified in subparagraphs (A) and (D) of subsection (o)(1) an enumeration of any instances in which data relating to unidentified aerospace-undersea phenomena was not provided to the Office because of classification or restrictions on that data or for any other reason.

"(1) QUARTERLY BRIEFINGS.—

"(1) IN GENERAL.—Not later than 180 days after the enactment of the American Security Drone Act of 2022, and not less frequently than once every 90 days thereafter, the Director of the Office shall provide the appropriate congressional committees and congressional leadership briefings on unidentified aerospace-undersea phenomena events.

"(2) ELEMENTS.—The briefings provided under paragraph (1) shall include the following:

(A) A continuously updated compendium of unidentified aerospace-undersea phenomena events.

(B) Details about each sighting that has occurred within the past 90 days and the status of each sighting’s resolution.

(C) Updates on the Office’s collection activities and posture, analysis, and research.

(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the work of the Office, including with respect to:

(1) general intelligence gathering and intelligence analysis; and

(2) strategic defense, space defense, defense of the airspace, defense of the space domain, defense of the ground, air, or naval assets, and related purposes.

(n) TASK FORCE TERMINATION.—Not later than the date on which the Secretary establishes the Office under subsection (a), the Secretary shall terminate the Unidentified Aerial Phenomena Task Force.

(o) DEFINITIONS.—In this section:

(1) The term ‘appropriate congressional committees’ means the following:

(A) The Committees on Armed Services of the Senate and the House of Representatives.

(B) The Committees on Appropriations of the Senate and the House of Representatives.

(C) The Select Committee on Intelligence of the Senate.

(D) The Select Committee on Intelligence of the House of Representatives.

(E) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(2) The term ‘congressional leadership committees’ has the meaning given such term in section 101(a) of title 10, United States Code.

(3) The term ‘congressional intelligence committees’ has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(4) The term ‘congressional leadership’ means—

(A) the majority leader of the Senate;

(b) the minority leader of the Senate;

(c) the chairman of the House of Representatives; and

(d) the minority leader of the House of Representatives.

(5) The term ‘intelligence community’ has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(6) The term ‘line organization’ means—

(A) objects or devices that are not immediately identifiable and that display behavior or performance characteristics suggesting that the objects or devices may be related to the objects or devices described in subparagraph (A) or (B); and

(B) objects that are not temporary nonattributable objects or those that are positively identified as man-made.

(7) The term ‘transmission of information’ means—

(i) information transmitted electronically;

(ii) an exchange of information resulting from transmission of information electronically; and

(iii) an exchange of information resulting from transmission of information not electronically.

(8) The term ‘unidentified aerospace-undersea phenomena’—

(A) means—

(i) airborne objects or devices that are not immediately identifiable and that display behavior or performance characteristics suggesting that the objects or devices may be related to the objects or devices described in subparagraph (A) or (B); and

(ii) submerged objects or devices that are not immediately identifiable and that display behavior or performance characteristics suggesting that the objects or devices may be related to the objects or devices described in subparagraph (A) or (B); and

(B) does not include temporary nonattributable objects or those that are positively identified as man-made.

(b) DELEGATION OF DUTIES OF DIRECTOR OF NATIONAL INTELLIGENCE.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall select a full-time equivalent employee of the intelligence community and delegate to such employee the responsibilities of the Director under section 1683 of such Act (50 U.S.C. 3373), as amended—

(1) to establish and implement the system established under paragraph (1) to receive, assess, and report on reports of—

(A) any event relating to unidentified aerospace-undersea phenomena; and

(B) any Government or Government contractor activity or program related to unidentified aerospace-undersea phenomena.

(2) PROTECTION OF SYSTEMS, PROGRAMS, AND ACTIVITY.—The system established pursuant to paragraph (1) shall serve as a mechanism to prevent unauthorized obtaining or compromise of properly classified military and intelligence systems, programs, and related activity, including all categories and types of information prohibited from reporting under any nondisclosure written or oral agreement, order, or other instrumentality or means, except in cases where the Director of National Intelligence determines that the system is essential to the system’s mission.

(3) The system established pursuant to paragraph (1) shall be administered by the Director of National Intelligence.

(4) AUTHORIZATION OF APPROPRIATIONS.—

(Sec. 703. UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA REPORTING PROCEDURE)

(a) AUTHORIZATION FOR REPORTING.—Notwithstanding the terms of any nondisclosure written or oral agreement, order, or other instrumentality or means, such terms shall be interpreted as a legal constraint on reporting by a witness of an unidentified aerospace-undersea phenomena, reporting in accordance with the system established under subsection (b) is hereby authorized and shall be deemed to comply with any regulation or order issued under the authority of Executive Order 13526 (50 U.S.C. 3161 note) or any other national security information (or chapter 18 of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.).

(b) SYSTEM FOR REPORTING.—

(1) ESTABLISHMENT.—The head of the Office, on behalf of the Secretary of Defense and the Director of National Intelligence, shall establish a secure system for receiving reports of—

(A) any event relating to unidentified aerospace-undersea phenomena; and

(B) any Government or Government contractor activity or program related to unidentified aerospace-undersea phenomena.

(2) PROTECTION OF SYSTEMS, PROGRAMS, AND ACTIVITY.—The system established pursuant to paragraph (1) shall serve as a mechanism to prevent unauthorized obtaining or compromise of properly classified military and intelligence systems, programs, and related activity, including all categories and types of information prohibited from reporting under any nondisclosure written or oral agreement, order, or other instrumentality or means, except in cases where the Director of National Intelligence determines that the system is essential to the system’s mission.

(3) The system established pursuant to paragraph (1) shall be administered by the Director of National Intelligence.

(4) AUTHORIZATION OF APPROPRIATIONS.—

(1) IDENTIFICATION OF NONDISCLOSURE AGREEMENTS.—The Secretary of Defense, the Director of National Intelligence, the Secretary of Homeland Security, the heads of such other departments and agencies of the Federal Government that have supported in their research and development the study of unidentified aerospace-undersea phenomena, and the Director of the Office shall coordinate the reporting activities and programs described in subsection (b) and activities and programs described in subsection (a) to the extent practicable and as provided in this section.

(2) RECORDS OF NONDISCLOSURE AGREEMENTS.—The Secretary of Defense, the Director of National Intelligence, the Secretary of Homeland Security, and the heads of such other departments and agencies of the Federal Government that have supported in their research and development the study of unidentified aerospace-undersea phenomena shall conduct comprehensive searches of all
SEC. 704. COMPTROLLER GENERAL OF THE UNITED STATES COMPILATION OF UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA RECORDS.

(a) Definition of Unidentified Aerospace-Undersea Phenomena.—In this section, the term "unidentified aerospace-undersea phenomena" has the meaning given such term in section 1883(o) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(o)), as amended by section 705.

(b) Compilation Required.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) commence a review of the records and documents of the intelligence community, oral testimony, analysis, interviews of current and former government officials, classified and unclassified national archives (including those records any third party obtained pursuant to section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act" or "FOIA")), and such other relevant historical sources as the Comptroller General considers appropriate; and

(2) for the period beginning on January 1, 1947, and ending on the date on which the Director of the Office establishes the Office under subsection (b)(1), conduct an assessment of the compliance with the requirements of this section and the operation and efficacy of the system established pursuant to subsection (b)(1).

(c) Activities.—In accordance with the priorities determined under subsection (d), the Comptroller General shall—

(1) submit to the congressional intelligence committees reports on such records and documents of the intelligence community, oral testimony, analysis, interviews of current and former government officials, and classified and unclassified national archives (including those records any third party obtained pursuant to section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act" or "FOIA")), and such other relevant historical sources as the Comptroller General considers appropriate; and

(2) conduct long- and short-term analyses regarding:

(A) the types of events described in subsection (a); and

(B) the resources relied upon and instructions as necessary.

(d) Cooperation of Intelligence Community.—In this section, the term "intelligence community" has the meaning given such term in section 101(a) of title 10, United States Code.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out subsections (b) and (c) such sums as may be necessary.

(f) Transition Authority.—Nothing in this section—

(1) repeal or modify any provision of law; or

(2) affect the implementation of any provision of law relating to the scope, use, and handling of information for purposes other than those authorized by law.
Energy, the Secretary of State, and the Secretary of Homeland Security shall, in coordination with such heads of Executive agencies as such Directors, Assistants, and Secretaries (or appropriate committees thereof), jointly determine the priorities of the Office with respect to subsection (b)(2)(A), considering, as may be appropriate, the strategies and reports under title VI of the Research and Development, Competition, and Innovation Act (Public Law 117–167).

(e) ADMINISTRATION.—To carry out the purposes forthwith under subsection (b)(2), the Office shall enter into an agreement with a Federally funded research and development center, a university affiliated research center, or a combination of such centers, and with such other entities that the Office determines necessary to protect the information that may not be publicly available from unauthorized disclosure of classified information that the Office determines necessary to protect and subject to any restrictions required by the source of the information.

(f) ACQUISITION, ACCESS, USE, AND HANDLING OF DATA OR INFORMATION.—In carrying out the activities under subsection (c), the Office shall—

(1) acquire, access, use, and handle data or information in a manner consistent with applicable provisions of law and policy and subject to any restrictions required by the source of the information;

(2) have access to all information, data, or reports of any Executive agency that the Office determines necessary to carry out this section upon written request, consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters; and

(3) may obtain commercially available information that may not be publicly available.

(g) ADDITIONAL SUPPORT.—A head of an Executive agency may provide to the Office such support, in the form of financial assistance and administrative support, as the head considers appropriate to assist the Office in carrying out any activity under subsection (c), consistent with the priorities determined under subsection (d).

(h) ANNUAL REPORT.—Not less frequently than once each year, the Office shall submit to Congress a report on the activities of the Office under this section, including a description of the priorities of the Office under this section, a description of the priorities determined under subsection (d) and any support, disaggregated by Executive agency, provided to the Office consistent with subsection (g) in order to advance those priorities.

(i) PLANS.—Before establishing the Office under this section, upon written request, the Office shall submit to the appropriate committees of Congress a report detailing plans for—

(1) the administrative structure of the Office, including—

(A) a detailed spending plan that includes administrative costs; and

(B) a disaggregation of costs associated with carrying out subsection (e)(1), (2), (3), (4), and (6); and

(2) the transition of personnel, as the Office determines necessary, to the Office.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2023.

SEC. 706. REPORT ON TRACKING AND COLLECTING PRECURSOR CHEMICALS AND LAPEL IN THE PRODUCTION OF SYNTHETIC OPIOIDS.

SEC. 707. ASSESSMENT AND REPORT ON MASS MIGRATION IN THE WESTERN HEMISPHERE.

(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 the Judiciary and the Committee on Appropriations of the House of Representatives;

(b) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Central Intelligence Agency shall submit to the appropriate committees of Congress a report on—

(1) any gaps or challenges related to tracking licit precursor chemicals that are bound for illicit use in the production of synthetic opioids; and

(2) any gaps in authorities related to the collection of licit precursor chemicals that have been routed toward illicit supply chains.

(c) FORM OF REPORT.—The report submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 708. NOTIFICATIONS REGARDING TRANSFER OF AN INDIVIDUAL DETAINED AT GUANTANAMO BAY.

(a) DEFINITIONS.—In this section—

(1) APPROPRIATE MEMBERS OF CONGRESS.—The term "appropriate Members of Congress" means—

(A) the majority leader of the House of Representatives;

(B) the Speaker of the House of Representatives; and

(C) the majority leader of the Senate;

(D) the Chairman and Vice Chairman of the Committee on Appropriations of the Senate;

(E) the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate;

(F) the Speaker of the House of Representatives; and

(G) the minority leader of the House of Representatives.

(b) DETERMINATION.—Not later than 90 days after the date of enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall enter into an agreement with a Federal research and development center, a university affiliated research center, or a combination of such centers, that the Office determines necessary to protect the information that may not be publicly available from unauthorized disclosure of classified information that the Office determines necessary to protect and subject to any restrictions required by the source of the information; and

(c) FORM OF REPORT.—The report submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 709. REPORT ON INTERNATIONAL NORMS, RULES, AND PRINCIPLES APPLICABLE IN SPACE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of National Intelligence and the Secretary of State, in coordination with the
Secretary of Defense, the Secretary of Commerce, the Administrator of the National Aeronautics and Space Administration, and the heads of any other agencies as the Director of National Intelligence determines appropriate, shall jointly submit to Congress a report on international norms, rules, and principles applicable in space.

(b) ELEMENTS.—The report submitted under subsection (a) shall include—

(1) identify threats to the interests of the United States in space that may be mitigated by international norms, rules, and principles applicable in space, including through bilateral and multilateral engagement;

(2) opportunities for the United States to influence international norms, rules, and principles applicable in space, including through the promotion of space safety.

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

SEC. 710. ASSESSMENTS OF THE EFFECTS OF SANCTIONS IMPOSED WITH RESPECT TO THE RUSSIAN FEDERATION’S INVASION OF UKRAINE.

(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, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives.

(b) ASSESSMENTS.—

(1) ELEMENTS.—Each assessment conducted under subsection (b) shall address the following:

(A) The projected timeline for indicators of any food insecurity described in paragraph (1) to manifest.

(B) The potential for political instability and security crises that may occur as a result of any food insecurity, disaggregated by region.

(C) Factors that could minimize the potential effects of any food insecurity on political instability described in subparagraph (B), disaggregated by region.

(D) Opportunities for the United States to prevent or mitigate any such food insecurity, disaggregated by region.

(E) BRIEFINGS.—Not later than 30 days after the date on which an assessment conducted under subsection (b) is completed, the Director of National Intelligence shall brief the appropriate committees of Congress on the findings of the assessment.

SEC. 711. ASSESSMENTS AND BRIEFINGS ON IMPLICATIONS OF FOOD INSECURITY THAT MAY RESULT FROM THE RUSSIAN FEDERATION’S INVASION OF UKRAINE.

(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 Appropriations of the Senate; and

(3) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(b) FORM OF ASSESSMENTS.—Each assessment submitted under subsection (b) shall be submitted in unclassified form and include a classified annex.

SEC. 712. PILOT PROGRAM FOR DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION TO UNDERTAKE AN EFFORT TO IDENTIFY INTERNATIONAL MOBILE SUBSCRIBER IDENTITY-CATCHERS AND DEVELOP COUNTERMEASURES.

Section 3035 of the Consolidated Appropriations Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3024 note; Public Law 116–92) is amended—

(1) in subsection (a), in the matter before paragraph (1)—

(A) by striking ‘‘The Director of National Intelligence’’ and inserting ‘‘the Director of the Federal Bureau of Investigation’’; and

(B) by inserting ‘‘the Director of National Intelligence,’’ before ‘‘the Under Secretary’’;

and

(C) by striking ‘‘Directors determine’’ and inserting ‘‘Director of the Federal Bureau of Investigation determines’’;

(2) by redesignating subsections (b) and (c) as subsections (o) and (d), respectively;

(3) by inserting after subsection (a) the following:

‘‘(b) PILOT PROGRAM.—

‘‘(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, in collaboration with the Director of National Intelligence, the Under Secretary of Homeland Security for Intelligence and Analysis, and the heads of such other Federal, State, or local agencies as the Director of the Federal Bureau of Investigation determines appropriate, and in accordance with applicable law and policy, shall conduct a pilot program designed to implement subsection (a) with respect to the National Capital Region.

‘‘(2) COMMENCEMENT; COMPLETION.—The Director of the Federal Bureau of Investigation shall—

‘‘(A) commence carrying out the pilot program required by paragraph (1) not later than 180 days after the date of the enactment of the American Security Drone Act of 2022;

and

‘‘(B) complete the pilot program not later than 2 years after the date on which the Director commences carrying out the pilot program under subparagraph (A).’’; and

(4) in subsection (c), as redesignated by paragraph (2)—

(A) in the matter before paragraph (1), by striking ‘‘Prior’’ and all that follows through ‘‘and Investigation’’ and inserting ‘‘Not later than 180 days after the date on which the Director of the Federal Bureau of Investigation determines that the pilot program required by subsection (b)(1) is operational, the Director and the Director of National Intelligence’’;

(B) in paragraph (1), by striking ‘‘within the United States’’; and

(C) in paragraph (2), by striking ‘‘by the’’ and inserting ‘‘deployed by the Federal Bureau of Investigation and other elements of the’’.

SEC. 713. DEPARTMENT OF STATE BUREAU OF INTELLIGENCE AND RESEARCH ASSESSMENT OF ANOMALOUS HEALTH INCIDENTS.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, 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) ASSESSMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary of State for Intelligence and Research shall submit to the appropriate committees of Congress an assessment of the findings relating to the events that have been collectively labeled as ‘‘anomalous health incidents’’.

(c) CONTENTS.—The assessment submitted under subsection (b) shall include the following:

(1) Any diplomatic reporting or other relevant information, including sources and reliability of respective sources, on the causation of anomalous health incidents.

(2) Any diplomatic reporting or other relevant information, including sources and reliability of respective sources, on any person or entity who may be responsible for such incidents.
SEC. 5001. SHORT TITLE.
This division may be cited as the “Department of State Authorization Act of 2022.”

SEC. 5002. DEFINITIONS.
(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Agency for International Development.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(3) DEPARTMENT.—Unless otherwise specified, the term “Department” means the Department of State.

(4) SECRETARY.—Unless otherwise specified, the term “Secretary” means the Secretary of State.

(5) USAID.—The term “USAID” means the United States Agency for International Development.

SEC. 5003. MODERNIZING THE BUREAU OF ARMS CONTROL, VERIFICATION, AND COMPLIANCE AND THE BUREAU OF INTERNATIONAL SECURITY AND NONPROLIFERATION.
It is the sense of Congress that—
(1) the Secretary should take steps to address staffing shortfalls in the chemical, biological, and nuclear weapons issue areas in the Bureau of Arms Control, Verification, and Compliance and in the Bureau of International Security and Nonproliferation;
(2) maintaining a fully staffed and resourced Bureau of Arms Control, Verification, and Compliance and Bureau of International Security and Nonproliferation is necessary to effectively confront the threat of increased global proliferation; and
(3) the Bureau of Arms Control, Verification, and Compliance and the Bureau of International Security and Nonproliferation should be refocused on threats and dedicated resources to combat the dangers posed by the People’s Republic of China’s conventional and nuclear build-up, the Russian Federation’s progress in developing new nuclear weapons and new types of nuclear weapons, bioweapons proliferation, dual use of life science research, and chemical weapons.

SEC. 5004. NOTIFICATION TO CONGRESS FOR UNITED STATES NATIONALS UNLAWFULLY OR WRONGFULLY DETAINED ABROAD.
Section 302 of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741) is amended—
(1) in paragraph (4), by inserting “not later than 14 days after such determination, notify the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives of such determination” and inserting, with a summary of the facts that led to such determination.
(2) in section 304(c), by inserting, after “(2)”, “(C) the prevention, frustration, or resolution of a hostage taking of a United States person, the identification, location, arrest, or conviction of a person responsible for the hostage taking, or the release of a United States person who has been taken hostage, in any country.”;

SEC. 5005. ENSURING GEOGRAPHIC DIVERSITY AND ACCESSIBILITY OF PASSPORT SERVICES.
(a) SENSE OF CONGRESS.—It is the sense of Congress that Department initiatives to expand passport services and accessibility, including through online modernization projects, should include the construction of new physical passport agencies.
(b) REVIEW.—The Secretary shall conduct a review of the geographic diversity and accessibility of existing passport agencies to identify—
(1) the geographic areas in the United States that are farther than 6 hours’ driving distance from the nearest passport agency;
(2) the per capita demand for passport services in the areas described in paragraph (1); and
(3) plans to ensure that in-person services at physical passport agencies are accessible to all eligible Americans, including American citizens living in large population centers, in rural areas, and in States with a high per capita demand for passport services.

(c) CONSIDERATIONS.—The Secretary shall consider the metrics identified in paragraphs (1) and (2) of subsection (b) when determining locations for the establishment of new physical passport agencies.
(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that contains the findings of the review conducted pursuant to subsection (b).

SEC. 5006. CULTURAL ANTIQUITIES TASK FORCE.
The Secretary is authorized to spend up to $1,000,000 for grants to carry out the activities of the Cultural Antiquities Task Force.

SEC. 5007. BRIEFING ON “CHINA HOUSE.”
Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees regarding the organization, structure, personnel, resources, and mission of the Department of State’s “China House” team.

SEC. 5008. OFFICE OF SANCTIONS COORDINATION.
(a) EXTENSION OF AUTHORITIES.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended, in subsection (4)(B) of subdivision (2) redesignated by section 5502(a)(2) of this Act, by striking “the date that is two years after the date of the enactment of this subsection” and inserting “December 31, 2024.”
(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, or designee, shall brief the appropriate congressional committees with respect to the steps that the Office of Sanctions Coordination has taken to coordinate its activities with the Department of the Treasury and humanitarian aid programs, in an effort to help ensure appropriate flows of humanitarian assistance and goods to countries subject to United States sanctions.

TITLE LII—PERSONNEL ISSUES
SEC. 5201. DEPARTMENT OF STATE PAID STUDENT INTERNSHIP PROGRAM.
(a) IN GENERAL.—The Secretary shall establish the Department of State Student Internship Program (referred to in this section as the “Program”) to provide opportunities at the Department to eligible students to raise awareness of the essential role of diplomacy in the conduct of United States foreign policy and the realization of United States foreign policy objectives.
(b) ELIGIBILITY.—An applicant is eligible to participate in the Program if the applicant—
(1) is enrolled at least half-time at—
(A) an institution of higher education (as such term is defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a))); or
(B) an institution of higher education based outside the United States, as determined by the Secretary of State; and
(2) is eligible to receive and hold an appropriate security clearance.
(c) SELECTION.—The Secretary shall establish selection criteria for students to be admitted into the Program that includes a demonstrated interest in a career in foreign affairs.
(d) OUTREACH.—The Secretary shall—
(1) widely advertise the Program, including—
(A) on the Internet;
(B) through the Department’s Diplomats in Residence program; and
(C) through other outreach and recruiting initiatives targeting undergraduate and graduate students;
(2) conduct targeted outreach to encourage participation in the Program from—
(3) provide assistance to students who—
(A) demonstrate a demonstrated interest in a career in foreign affairs; and
(B) meet the eligibility requirements of this subsection;
(A) individuals belonging to an underrepresented group; and
(B) students enrolled at minority-serving institutions (which shall include any institution to which section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(ii) (I) provide justification for maintaining such unpaid status indefinitely; or
(II) identify any additional authorities or resources that would be necessary to convert such unpaid internship program to offer compensation in the future.

(b) Reports.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit a report to the committees referred to in subsection (g)(3)(A) that includes—

(1) data, to the extent the collection of such information is reasonable by law, regarding the number of students who applied to the Program, were offered a position, and participated, respectively, disaggregated by race, ethnicity, sex, disability status, education, home State, State where each student graduated from high school, and disability status;
(2) data regarding the number of security clearance investigations initiated for the students described in paragraph (1), including the timeline such investigations, whether such investigations were completed, and when an interim security clearance was granted;
(3) information on Program expenditures; and
(4) information regarding the Department’s compliance with subsection (g).

(VOLUNTARY PARTICIPATION.—

(1) IN GENERAL.—Nothing in this section may be construed to compel any student who is a participant in an internship program of the Department, in the collection of the data or divulge any personal information. Such students shall be informed that their participation in the data collection under this section is voluntary.

(2) PRIVACY PROTECTION.—Any data collected under this section shall be subject to the relevant privacy protection statutes and regulations governing such individuals, including the Foreign Service Act of 1980 (22 U.S.C. 2651) and applicable authority.

(3) WAIVER.—(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary, in consultation with the Director of the Office of Personnel Management, with respect to the number of internships to be hired each year, may—

(1) select, appoint, and employ individuals for up to 1 year through compensated internships in the excepted service;
(2) remove any compensated intern employed pursuant to paragraph (1) without regard to the provisions governing appointments in the competitive excepted service.

(4) TRANSITION PERIOD.—

(A) IN GENERAL.—Except as provided in paragraph (1) and in subsection (g), the Secretary, to the maximum extent practicable, shall structure internships to ensure that such internships satisfy criteria for academic credit at the institutions in which such education in which such participants in such internships are enrolled.

(B) TRANSITION PERIOD.—

(i) WORKING WITH INSTITUTIONS OF HIGHER EDUCATION.—The Secretary, to the maximum extent practicable, shall structure internships to ensure that such internships satisfy criteria for academic credit at the institutions in which such education in which such participants in such internships are enrolled.

(ii) EXCEPTED.—

(A) GENERAL.—The Secretary may waive the requirement under paragraph (1)(A) with respect to a particular unpaid internship program if the Secretary, not later than 30 days after making a determination that the conversion of such internship program to a compensated internship program would not be consistent with effective management goals, submits a report explaining such determination to—

(i) the appropriate congressional committees; and
(ii) the Committee on Appropriations of the Senate; and
(iii) the Committee on Appropriations of the House of Representatives.

(B) REPORT.—The report required under subparagraph (A) shall—

(1) describe the reasons why converting an unpaid internship program of the Department, after making a determination that the conversion of such internship program to a compensated internship program would not be consistent with effective management goals; and

(iv) provide justification for maintaining such unpaid status indefinitely; or

(v) identify any additional authorities or resources that would be necessary to convert such unpaid internship program to offer compensation in the future.

(C) SESSION.—Section 510 of the Higher Education Act of 1965 (20 U.S.C. 1059), is amended—

(1) in the case of an individual, by striking the first word of such section; and

(A) by striking a decision to; and

(2) in the case of an organization, by striking notice to.
laws in effect as of the date of the enactment of this Act, the Department and the 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 enhance the quantity and quality of training and professional development offerings, especially in the introduction of new, innovative, and pilot model courses.

(b) DEFINED TERMS.—In this section, the term appropriate committees of Congress means—

(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on Appropriations of the Senate;
(3) the Committee on Foreign Affairs of the House of Representatives; and
(4) the Committee on Appropriations of the House of Representatives.

(c) TRAINING AND PROFESSIONAL DEVELOPMENT PRIORITIZATION.—In order to provide the Civil Service of the Department and the Foreign Service with the level of professional development and training needed to effectively advance United States interests across the world, the Secretary shall—

(1) increase relevant offerings provided by the Department;

(A) interactive virtual instruction to make training and professional development more accessible and useful to personnel deployed throughout the world; and
(B) other courses of instruction, including universities, industry entities, and nongovernmental organizations, throughout the United States to provide useful outside perspectives to Department personnel by providing such personnel—

(i) a more comprehensive outlook on different sectors of United States society; and
(ii) an understanding of entry-level training and professional development courses, including by extending—

(A) the A–100 entry-level course to as long as 24 weeks, which better matches the length of other Federal departments to participate in similar exercises held by the Department or other government organizations and the private sector;

(b) the Chief of Mission course to as long as 6 weeks for first time Chiefs of Mission and creating comparable courses for new Assistant Secretaries and Deputy Assistant Secretaries to more accurately reflect the significant responsibilities accompanying such roles; and

(c) ensure that Foreign Service officers who are assigned to a country experiencing significant displacement of the impacts of climatic and non-climatic shocks and stresses, including rising sea levels and lack of access to affordable and reliable electricity, receive specialized instruction on United States policy with respect to resiliency and adaptation to such climatic and non-climatic shocks and stresses.

(d) FELLOWSHIPS.—The Director General of the Foreign Service shall—

(1) expand and establish new fellowship programs at the Foreign Service Institute and Civil Service offices that include short- and long-term opportunities at organizations, including—

(A) think tanks and nongovernmental organizations;

(B) the Department of Defense and other relevant Federal agencies;

(C) international organizations, especially such entities related to technology, global operations, finance, and other fields directly relevant to international affairs; and

(D) schools of international relations and other relevant programs at universities throughout the United States; and

(2) not later than 180 days after the date of the enactment of this Act, submit a report to Congress that describes how the Department could expand the Pearson Fellows Program for Foreign Service Officers and the Brookings Fellow Program for Civil Servants to provide fellows in such programs with the opportunity to undertake a fellowship within the Department's in office in which fellows will gain practical knowledge of the people and processes of Congress, including offices other than the Legislative Affair Bureau, including—

(A) an assessment of the current state of congressional fellowships, including the demand for fellowships and the value the fellowships provide to both the career of the officer and to the Department; and

(B) an assessment of the options for making congressional fellowships for both the Foreign and Civil Services more career-enhancing.

(e) BOARD OF VISITORS OF THE FOREIGN SERVICE INSTITUTE—

(1) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall establish a Board of Visitors of the Foreign Service Institute (referred to in this subsection as the "Board").

(2) DUTIES.—The Board shall provide the Secretary with independent advice and recommendations regarding organizational management, strategic planning, resource management, curriculum development, and other matters of interest to the Foreign Service Institute, including regular observations about how well the Department is integrating training and professional development into the work of the Bureau for Global Talent Management.

(f) MEMBERSHIP—

(A) IN GENERAL.—The Board shall be—

(i) nonpartisan; and

(ii) composed of 12 members, of whom—

(I) 2 members shall be appointed by the Chairperson of the Committee on Foreign Relations of the Senate;

(II) 2 members shall be appointed by the ranking member of the Committee on Foreign Relations of the Senate;

(III) 2 members shall be appointed by the Chairperson of the Committee on Foreign Affairs of the House of Representatives;

(IV) 2 members shall be appointed by the ranking member of the Committee on Foreign Affairs of the House of Representatives; and

(V) 4 members shall be appointed by the Secretary.

(B) QUALIFICATIONS.—Members of the Board shall be—

(A) an eminent authority in the field of diplomacy, national security, education, management, or a closely related field, such as trade, adult education, or technology; and

(B) a person with significant experience outside the Department, whether in other national security agencies or in the private sector, and preferably in positions of authority in educational institutions or the field of professional development and mid-career training with oversight for the evaluation of academic programs.

(3) TERMS.—Each member of the Board shall serve for a term of 3 years, except that a member of the Board may be reappointed or replaced at the discretion of the official who made the original appointment.

(4) APPPOINTMENT; CONFIRMATION.—The Chairperson and Vice Chairperson of the Board shall be appointed by the Secretary of State based upon a recommendation from the members of the Board.

(C) SERVICE.—The Chairperson and Vice Chairperson shall serve at the discretion of the Secretary.

(7) MEETINGS.—The Board shall meet—

(A) at the call of the Director of the Foreign Service Institute and the Chairperson; and

(B) not fewer than 2 times per year.

(8) COMPENSATION.—Each member of the Board shall serve without compensation, except that a member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated service of members of the Board.

(9) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Board established under this subsection.

(f) ESTABLISHMENT OF PROVOST OF THE FOREIGN SERVICE INSTITUTE—

(1) ESTABLISHMENT.—There is established in the Foreign Service Institute the position of Provost.

(2) APPOINTMENT; REPORTING.—The Provost shall—

(A) be appointed by the Secretary; and

(B) report to the Director of the Foreign Service Institute.

(3) QUALIFICATIONS.—The Provost shall be—

(A) an eminent authority in the field of diplomacy, national security, education, management, or a closely related field, such as trade, adult education, or technology; and

(B) a person with significant experience outside the Department, whether in other national security agencies or in the private sector, and preferably in positions of authority in educational institutions or the field of professional development and mid-career training with oversight for the evaluation of academic programs.

(4) DUTIES.—The Provost shall—

(A) oversee, review, evaluate, and coordinate the academic curriculum for all courses taught and administered by the Foreign Service Institute;

(B) coordinate the development of an evaluation system to ascertain how well participants in Foreign Service Institute courses have absorbed and utilized the information, ideas, and skills imparted by each such course; and

(C) ensure that performance assessments can be included in the personnel records maintained by the Bureau of Global Talent Management and utilized in Foreign Service Institute on Boards, which include—

(i) the implementation of a letter or numerical grading system; and
(ii) assessments done after the course has concluded; and
(C) report not less frequently than quarterly to the Board of Visitors regarding the development of curriculum and the performance of Foreign Service officers.

5. Term.—The Provost shall serve for a term of not fewer than 5 years and may be reappointed for 1 additional 5-year term.

6. Compensation.—The Provost shall receive a salary commensurate with the rank and experience of a member of the Senior Foreign Service or the Senior Executive Service, as determined by the Secretary.

7. Other Agency Responsibilities and Opportunities for Congressional Staff.—(1) OTHER AGENCIES.—National security agencies other than the Department should be afforded the ability to increase the enrollment of their personnel in courses at the Foreign Service Institute and other training and professional development facilities of the Department to promote a whole-of-government approach to mitigating national security challenges.

(2) CONGRESSIONAL STAFF.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that describes—

(A) a training and professional development opportunities at the Foreign Service Institute and other Department facilities available to congressional staff;

(B) the benefits of offering such opportunities to congressional staff; and

(C) potential course offerings.

8. Strategy for Adapting Training Requirements for Modern Diplomatic Needs.—

1. In General.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that describes—

(A) a strategy for adapting and evolving training requirements to meet the Department’s current and future needs for 21st century diplomacy.

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

(A) Integrating training requirements into the Department’s promotion policies, including the perspectives of foreign audiences.

(B) Developing a multi-faceted and comprehensive curriculum that enables the Department to better understand the implications of climate change for United States diplomacy; and

(C) The results and impact of the strategy on the Department, particularly the relationship between professional development and training and promotions for Department personnel, and the measurement and evaluation methods used to evaluate such results.

3. Briefing.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that includes—

(A) a strategy for broadening and deepening professional development and training at the Department, including assessing current and future needs for 21st century diplomacy;

(B) the process used and resources needed to implement the strategy referred to in subparagraph (A) throughout the Department; and

(C) the results and impact of the strategy on the Department, particularly the relationship between professional development and training and promotions for Department personnel, and the measurement and evaluation methods used to evaluate such results.

4. Use of Report Data.—The data in each of the reports required under this section shall be used by Congress, in coordination with the Secretary, to inform recommendations on the appropriate size and composition of the Department.

5. Sense of Congress on the Importance of Filling the Position of Undersecretary for Public Diplomacy and Public Affairs.—It is the sense of Congress that since a vacancy in the position of Under Secretary for Public Diplomacy and Public Affairs is detrimental to the national security interests of the United States, the President should expeditiously nominate a qualified individual to such position whenever such vacancy occurs to ensure that the Department is able to fulfill the mission of—

(A) expanding and strengthening relationships between the people of the United States and citizens of other countries; and

(B) engaging, informing, and understanding the perspectives of foreign publics.

6. Report on Public Diplomacy.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that includes—
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(1) an evaluation of the May 2019 merger of the Bureau of Public Affairs and the Bureau of International Information Programs into the Bureau of Global Public Affairs with respect to—
(A) the efficacy of the current configuration of the bureaus reporting to the Under Secretary for Public Diplomacy and Public Affairs in achieving the mission of the Department;
(B) the metrics before and after such merger, including personnel data, disaggregated by position, content production, opinion polling, program evaluations, and media appearances;
(C) the results of a survey of public diplomacy and foreign affairs officers seeking entry into the Senior Foreign Service participate in professional development described in subsection (c).

SEC. 5210. PROFESSIONAL DEVELOPMENT.
(a) REQUIREMENTS.—The Secretary shall strongly encourage that Foreign Service officers seeking entry into the Senior Foreign Service participate in professional development described in subsection (c).

(b) REQUIREMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit recommendations to the appropriate congressional committees for streamlining and improving the security clearance process with respect to public diplomacy, including—
(1) the number of domestic and overseas positions requiring the security clearance approval process for the purposes of such report;
(2) the number of bids each position received;
(3) the number of unfilled positions at the conclusion of the most recent summer bidding cycle, disaggregated by bureau and detailed recommendations and a timeline for—
(A) increasing the number of qualified bidders for underbid positions; and
(B) minimizing the number of unfilled positions at the end of the bidding season.

SEC. 5208. CURTAILMENTS, REMOVALS FROM POST, AND WAIVERS OF PRIVILEGES AND IMMUNITIES.
(a) CURTAILMENTS REPORT.—
(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary shall submit a report to the appropriate congressional committees regarding curtailments of Department personnel from overseas posts.

(2) CONTENTS.—The Secretary shall include in the report required under paragraph (1)—
(A) relevant information about any post that, during the 6-month period preceding the report—
(i) had more than 5 curtailments; or
(ii) had curtailments representing more than 5 percent of Department personnel at such post; and
(B) for each post referred to in subparagraph (A), the number of curtailments, disaggregated by month of occurrence.

(b) REMOVAL OF DIPLOMATS.—Not later than 5 days after the date on which any United States personnel under Chief of Mission authority is declared persona non grata by a host government, the Secretary shall—
(1) notify the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives of such declaration; and
(2) include with such notification—
(A) the official reason for such declaration (if provided by the host government); and
(B) the date of the declaration; and
(C) whether the Department responded by declaring a host government’s diplomat in the United States persona non grata.

(c) WAIVER OF PRIVILEGES AND IMMUNITIES.—Not later than 15 days after any waiver of privileges and immunities pursuant to the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, that is applicable to an entire diplomatic post or to the majority of United States personnel under Chief of Mission authority, the Secretary shall submit a report to the appropriate congressional committees of such waiver and the reason for such waiver.

SEC. 5209. REPORT ON WORLDWIDE AVAILABILITY OF OPPORTUNITIES.
(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees and the Department of State on the feasibility of requiring that each member of the Foreign Service, at the time of entry into the Foreign Service and thereafter, be worldwide available, as determined by the Secretary.

(b) CONTENTS.—The report required under subsection (a) shall include—
(1) the feasibility of a worldwide availability requirement for all members of the Foreign Service;
(2) considerations if such a requirement were to be implemented, including the potential effect on recruitment and retention; and
(3) recommendations for exclusions and limitations, including exemptions for medical reasons, disability, and other circumstances.

SEC. 5206. SECURITY CLEARANCE APPROVAL PROCESS.
(a) REQUIREMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees regarding the security clearance approval process with respect to public diplomacy, including—
(1) the number of unfilled domestic and overseas positions requiring the security clearance approval process for the purposes of such report;
(2) the number of bids each position received;
(3) the number of unfilled positions at the conclusion of the most recent summer bidding cycle, disaggregated by bureau and within 1 year, in the vast majority of cases.

(b) REPORT.—Not later than 90 days after the recommendations are submitted pursuant to subsection (a), the Secretary shall submit a report to the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives of such recommendations that—
(1) describes the status of the efforts of the Department to streamline the security clearance approval process; and
(2) identifies any remaining obstacles preventing security clearances from being completed within the time frames set forth in subsection (a), including lack of cooperation or other actions by other Federal departments and agencies.

SEC. 5207. ADDENDUM FOR STUDY ON FOREIGN RELATIONS ALLOWANCES.
(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 an addendum to the report required under section 5302 of the Department of State Authorization Act of 2021 (division E of Public Law 117-81), which shall be entitled the “Report on Bidding for Domestic and Overseas Posts and Filling Unfilled Positions”. The addendum shall be prepared using input from the Inspector General of the Department of State and the Foreign Service, the Director General and the Deputy Chief of Mission of the Department, including—
(A) the results of a survey of public diplomacy and foreign affairs officials that is fully funded or operated by the Federal Government.

(b) REQUIREMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit recommendations on requiring that foreign service officers complete professional development described in subsection (c) to be eligible for entry into the Senior Foreign Service.

(c) PROFESSIONAL DEVELOPMENT DESCRIBED.—Professional development described in this subsection is not less than 6 months of training conducted by the Department, including time spent—
(1) as a detailee to another government agency, including Congress or a State, Tribal, or local government;
(2) in Department-sponsored and funded university training that results in an advanced degree, excluding time spent at a university that is fully funded or operated by the Federal Government.

(d) PROMOTION PRECEPTS.—The Secretary shall instruct promotion boards to consider, positively, long-term training and out-of-agency detail assignments.

SEC. 5211. MANAGEMENT ASSESSMENTS AT DIPLOMATIC AND CONSULAR POSTS.
(a) IN GENERAL.—Beginning not later than 1 year after the date of the enactment of this Act, the Secretary shall annually conduct, at each diplomatic and consular post, a voluntary management assessment survey, which shall be offered to all staff assigned to that post who are citizens of the United States (excluding the Chief of Mission) to assess the management and leadership of the post by the Deputy Chief of Mission, and the Charge d’Affaires.

(b) ANONYMITY.—All responses to the survey shall be—
(1) fully anonymized; and
(2) made available to the Director General of the Foreign Service.

(c) SURVEY.—The survey shall seek to assess—
(1) the general morale at post;
(2) the presence of any hostile work environment;
(3) the presence of any harassment, discrimination, retaliation, or other mistreatment; and
(4) effective leadership and collegial work environment.

(d) DIRECTOR GENERAL RECOMMENDATIONS.—Upon compilation and review of the surveys, the Director General of the Foreign Service shall issue recommendations to posts, as appropriate, based on the findings of the surveys.

(e) REFERRAL.—If the surveys reveal any action that is grounds for referral to the Inspector General of the Department of State and the Foreign Service, the Director General shall inform the appropriate congressional committees and the Inspector General of the Department of State.
conducted an inspection of the project, cultural organization, exchange program, or nongovernmental organization that is more than 33 percent owned or controlled by a foreign government at the national, regional, or local level; and
(ii) in the case described in paragraph (3)(B), any company, economic project, cultural organization, exchange program, or nongovernmental organization that is more than 33 percent owned or controlled by the government of a foreign country.

(2) REPRESENTATION.—The term ‘representation’ does not include representa-
tion by an attorney, who is duly licensed and authorized to provide legal advice in a United States jurisdiction, of a person or entity in a legal capacity or for the purposes of rendering legal advice.

(3) Secretary of State and Deputy Secretary of State; the restrictions described in section 207(f)(1) of title 18, United States Code, shall apply to any such person who knowingly repre-

resents, aids, or advises—a foreign governmental entity before an officer or employee of the executive branch of the United States at any time after the termin-
ation of that person’s service as Secretary of State or Deputy Secretary of State, the restrictions described in section 207(f)(1) of title 18, United States Code, shall apply to any such person who knowingly repre-

sects, aids, or advises—

(A) a foreign governmental entity before an officer or employee of the executive branch of the United States for 3 years after the termination of that person’s service as Secretary of State or Deputy Secretary of State; and

(B) a foreign governmental entity of a country of concern before an officer or employee of the executive branch of the United States at any time after the termination of that person’s service in a position described in this paragraph, or the duration of the term or terms of the Presi-
dent who appointed that person to their position, whichever is longer.

(4) PENALTIES AND INJUNCTIONS.—Any viola-
tions of the restrictions under paragraphs (2) or (3) shall be subject to the penalties and injunc-
tions provided for under section 223 of title 18, United States Code.

(5) NOTICE OF RESTRICTIONS.—Any person subject to the restrictions under this sub-
section shall provide notice of these restric-
tions by the Department of State—

(A) upon appointment by the President; and

(B) upon termination of service with the Department of State.

(6) EFFECTIVE DATE.—The restrictions under this subsection shall apply only to per-
sons who are appointed by the President to the positions referenced in this subsection on or after 120 days after the date of the enact-
ment of the Department of State Authoriza-
tion Act of 2022.

(7) SUNSET.—The restrictions under para-
graph (3) shall not apply to any person who has not served as Secretary of State for 7 years after the date of the enactment of this Act.

SEC. 5213. THIRD PARTY VERIFICATION OF PER-
MANENT CHANGE OF STATION (PCS) ORDERS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall—

(1) a review of—

(A) the selection and oversight of Foreign Service, as applicable.

(B) the use of quantitative data and metrics in such panels; and

(2) an assessment of the promotion prac-
tices for the purpose of determining how pro-

motion processes are communicated to the workforce and appeals processes; and

(3) recommendations for improving pro-

motion panels and promotion practices.

SEC. 5214. POST-EMPLOYMENT RESTRICTIONS ON SENATE-CONFIRMED OFFICIALS AT TITLES DEPARTMENT OF STATE.

(a) SENATE—It is the sense of Congress that—

(1) Congress and the executive branch have recognized the importance of preventing and mitigating the potential for conflicts of inter-

est following government service, includ-

ing with respect to senior United States officials working on behalf of foreign govern-

ments; and

(2) Congress and the executive branch should jointly evaluate the status and scope of post-employment restrictions.

(b) RESTRICTIONS.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following:

‘‘(m) EXTENDED POST-EMPLOYMENT RE-

STRICTIONS FOR CERTAIN SENATE-CONFIRMED OFFICIALS.—

(1) DEFINITIONS.—In this subsection:

(A) COUNTRY OF CONCERN.—The term ‘country of concern’ means—

(i) the People’s Republic of China;

(ii) the Russian Federation;

(iii) the Islamic Republic of Iran;

(iv) the Democratic People’s Republic of Korea;

(v) the Republic of Cuba; and

(vi) the Syrian Arab Republic.

(B) FOREIGN GOVERNMENT ENTITY.—The term ‘foreign governmental entity’ in-

cludes—

(i) any person employed by—

(2) Secretary of State and Deputy Sec-

ure the restrictions described in section 207(f)(1) of title 18, United States Code, shall apply to any such person who knowingly repre-

A foreign governmental entity before an officer or employee of the executive branch of the United States for 3 years after the termination of that person’s service as Secretary of State or Deputy Secretary of State; and

B foreign governmental entity of a country of concern before an officer or employee of the executive branch of the United States at any time after the termination of that person’s service in a position described in this paragraph, or the duration of the term or terms of the Presi-
dent who appointed that person to their position, whichever is longer.

4. Penalties and injunctions.—Any violations of the restrictions under paragraphs (2) or (3) shall be subject to the penalties and injunc-
tions provided for under section 223 of title 18, United States Code.

5. Notice of restrictions.—Any person subject to the restrictions under this sub-
section shall provide notice of these restric-
tions by the Department of State—

A upon appointment by the President; and

B upon termination of service with the Department of State.

6. Effective date.—The restrictions under this subsection shall apply only to per-
sons who are appointed by the President to the positions referenced in this subsection on or after 120 days after the date of the enact-
ment of the Department of State Authoriza-
tion Act of 2022.

7. Sunset.—The restrictions under para-
graph (3) shall not apply to any person who has not served as Secretary of State for 7 years after the date of the enactment of this Act.”.

SEC. 5215. EXPANSION OF AUTHORITIES REGARD-
ING SPECIAL RULES FOR CERTAIN MONTHLY WORKERS’ COMPENSA-
TION PAYMENTS AND OTHER PAY-
MENTS.

Section 901 of division J of the Further Consolidated Appropriations Act, 2010 (22 U.S.C. 2680b) is amended by adding at the end the following:

‘‘(j) EXPANSION OF AUTHORITIES.—The head of any Federal agency may exercise the au-

thorities of this section, including to des-

ignate an incident, whether the incident oc-

curred in the United States or abroad, for

purposes of subparagraphs (A)(ii) and (B)(ii) of subsection (e)(4) when the incident affects United States Government employees of the agency or their dependents has been delegated to the head of the agency.’’. TITLE LIII—EMBASSY SECURITY AND CONSTRUCTION

SEC. 5301. AMENDMENTS TO SECURE EMBASSY CONSTRUCTION AND COUNTERTE-RORISM ACT OF 1999.

(a) SHORT TITLE.—This section may be cited as the ‘‘Security Embassy Construction and Counterterrorism Act of 2022’’.

(b) FINDINGS.—Congress makes the fol-

lowing findings:

SEC. 5311. AMENDMENTS TO SECURE EMBASSY CONSTRUCTION AND COUNTERTE-RORISM ACT OF 1999.

(a) SECURITY EMBASSY CONSTRUCTION AND COUNTERTERORISM ACT OF 1999 (TITLE VI OF DIVISION A OF APPENDIX G OF PUBLIC LAW 106–113) WAS A NECESSARY RESPONSE TO BOMBS ON AUGUST 7, 1998, AT THE UNITED STATES EMBASSIES IN NAIROBI, KENYA, AND IN DAR ES SALAAM, TANZANIA, THAT WERE DESTROYED BY SIMULTANEOUSLY EXPLODING HOMING EXPLOSIONS KILLED 220 PERSONS AND INJURED MORE THAN 4,000 OTHERS. TWELVE AMERICANS AND 40 KENYAN AND TANZANIAN EMPLOYEES OF THE UNITED STATES FOREIGN SERVICE WERE KILLED IN THE ATTACKS.

(b) THOSE BOMBS, FOLLOWED BY THE EXPEDITIONARY DIPLOMATIC EFFORTS IN IRAQ AND AFGHANISTAN, DEMONSTRATED THE NEED TO PRIORITIZE THE SECURITY OF UNITED STATES POSTS AND PERSONNEL ABOARD OTHER CONSIDER-

ATIONS.

(c) BETWEEN 1999 AND 2022, THE RISK CALCULUS OF THE DEPARTMENT IMPACTED THE ABILITY OF UNITED STATES DIPLOMATS AROUND THE WORLD TO ADVANCE THE INTERESTS OF THE UNITED STATES THROUGH ACCESS TO LOCAL POPULATIONS, LEADERS, AND PLACES.

(d) AMERICA’S COMPETITORS AND ADVERSARIES DO NOT HAVE THE SAME RESTRICTIONS THAT UNITED STATES DIPLOMATS HAVE, ESPECIALLY IN CRITICALLY IMPORTANT MEDIUM-THREAT AND HIGH-THREAT POSTS.

SEC. 5312. THE DEPARTMENT’S 2021 OVERSEAS SECURITY REPORT STATES THAT—

(a) THE REQUIREMENT FOR SETBACK AND COL-
LOCATION OF DIPLOMATIC POSTS UNDER PARAGRAPHS (2) AND (3) OF SECTION 508(a) OF THE SECURE EMBASSY CONSTRUCTION AND COUNTERTERORISM ACT OF 1999 (22 U.S.C. 4865(a)) HAS LED TO SKYROCKETING COSTS OF NEW EMBASSIES AND CONSULATES; AND

(b) THE LOCATIONS OF SUCH POSTS HAVE BECOME LESS DESIRABLE, CREATING AN EXTREMELY SUB-OPTIMAL NEXUS THAT FURTHER HINDERS UNITED STATES DIPLOMATS WHO ARE REQUIRED TO ACCEPT MORE RISK IN ORDER TO ADVANCE UNITED STATES INTERESTS.

(c) SENSE OF CONGRESS.—IT IS THE SENSE OF CONGRESS THAT—

(1) THE SETBACK AND COLLOCATION REQUIRE-
MENTS REFERRED TO IN SUBSECTION (b)(5)(A), EVEN WITH AVAILABLE WAIVERS, NO LONGER PROVIDE THE SECURITY THAT THEY WERE INTENDED TO PROVIDE BECAUSE OF ADVANCED TECHNOLOGIES, SUCH AS REMOTE CONTROLLED DRONES.
that can evade walls and other such static barriers; (2) the Department should focus on creating performance security standards that—(A) helps to develop the specifics of diplomatic post construction requirements of diplomatic posts as limited as possible; and (B) provide diplomats access to local populations and activities, allowing full permission for a necessary level of security; (3) collocation of diplomatic facilities is often not feasible or advisable, particularly for public diplomacy spaces whose mission is to reach and be accessible to wide sectors of the public, including in countries with repressive governments, since such spaces are required to permit the foreign public to enter and exit the space easily and openly; (4) the Bureau of Diplomatic Security should—(A) fully utilize the waiver process provided under paragraphs (2)(B) and (3)(B) of section 606(a) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)); and (B) appropriately exercise such waiver process as a tool to right-size the appropriate security footing at each diplomatic post so as to better take advantage of waiver authorities in extreme circumstances; (5) the return of great power competition requirements—(A) United States diplomats to do all they can to outperform our adversaries; and (B) the Department to better optimize use of taxpayer funding to advance United States national interests; and (6) this section will better enable United States diplomats to compete in the 21st century, while saving United States taxpayers millions in reduced property and maintenance costs at embassies and consulates abroad.

(d) DEFINITION OF UNITED STATES DIPLOMATIC FACILITY.—Section 606 of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of appendix G of Public Law 106–113) is amended to read as follows:

SEC. 603. UNITED STATES DIPLOMATIC FACILITIES.

‘‘In this title, the terms ‘United States diplomatic facility’ and ‘diplomatic facility’ mean any chancery, consulate, or other office that—

(1) is considered by the Secretary of State to be diplomatic or consular premises, consistent with the Vienna Convention on Diplomatic and Consular Relations, done at Vienna April 18, 1961, and the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, and was notified to the host government as such; or

(2) is otherwise subject to a publicly available bilateral agreement with the host government (contained in the records of the United States Department of State) that recognizes the official status of the United States Government personnel present at the facility.

(e) GUIDANCE AND REQUIREMENTS FOR DIPLOMATIC FACILITIES.—

(1) GUIDANCE FOR CLOSURE OF PUBLIC DIPLOMATIC FACILITIES.—Section 606(a) of the Public Diplomacy Modernization Act of 2021 (Public Law 117–81, 22 U.S.C. 1475g note) is amended to read as follows:

‘‘(A) IN GENERAL.—In order to preserve public diplomatic facilities that are accessible to the publics of foreign countries, not later than 180 days after the date of the enactment of this Public Law Modernization Act of 2021, the United States Secretary of State shall adopt guidelines to close and utilize information from each diplomatic post at which the construction of a new embassy compound or new consular compound could result in the closure or relocation of an American Space that is owned and operated by the United States Government, Generally known as an American Center, or any other public diplomatic facility under the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 et seq.).’’.

(f) SECURITY REQUIREMENTS FOR UNITED STATES DIPLOMATIC FACILITIES.—Section 606(a) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)) is amended—

(A) in paragraph (1)(a), by striking ‘‘the threat’’ and inserting ‘‘a range of threats, including that’’;

(B) in paragraph (2)—

(1) in subparagraph (A)—

(i) by inserting ‘‘in a location that has certain minimum ratings under the Security Environment Threat List as determined by the Secretary in his or her discretion’’ after ‘‘abroad’’; and

(ii) by inserting ‘‘, personnel of the Peace Corps, and personnel of any other type or category that the Secretary may identify’’ after ‘‘military commander’’; and

(ii) in subparagraph (B)—

(i) by amending clause (i) to read as follows:

‘‘(1) IN GENERAL.—Subject to clause (i), the Secretary of State may waive subparagraph (A) if the Secretary considers, relevant, which may include security conditions; and

(II) fulfill the criteria described in clause (i).’’

(ii) CHANCERY OR CONSULATE BUILDING.—’’ and all that follows through ‘‘15 days prior’’ and inserting the following:

‘‘(II) CHANCERY OR CONSULATE BUILDING.—Prior’’; and

(1) in paragraph (3)—

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

‘‘(A) REQUIREMENT.—’’ and all that follows through ‘‘constitutional standard’’.

(ii) ALTERNATIVE ENGINEERING EQUIVALENCY STANDARD REQUIREMENT.—Each facility referred to in clause (i) may, instead of meeting the requirement under such clause, fulfill such other criteria as the Secretary is authorized to employ to achieve an engineering standard of security and degree of protection that is equivalent to the numerical perimeter distance setback described in such clause seeks to achieve.’’;

and

(ii) in subparagraph (B)—

(1) in clause (i)—

(aa) by striking ‘‘security considerations permit and’’; and

(bb) by inserting ‘‘after taking account of any considerations the Secretary in his or her discretion considers relevant, which may include security conditions after national interest of the United States’’;

(ii) in clause (i), by striking ‘‘CHANCERY OR CONSULATE BUILDING.—Prior’’; and

(i) in clause (ii), by striking ‘‘an annual’’ and inserting ‘‘a quarterly’’.

SEC. 5302. DIPLOMATIC SUPPORT AND SECURITY.

(a) SHORT TITLE.—This section may be cited as the ‘‘Diplomatic Support and Security Act of 2022.’’

(b) FINDINGS.—Congress makes the following findings:

(1) A robust overseas diplomatic presence is part of an effective foreign policy, particularly in volatile environments where a flexible and timely diplomatic response can be decisive in preventing and addressing conflict.

(2) Diplomats routinely put themselves and their families at great personal risk to serve their country overseas where they face threats related to international terrorism, violent conflict, and public health.

(3) The Department has a remarkable record of protecting personnel while enabling an enormous amount of global diplomatic activity, often in insecure and remote places and facing a variety of evolving risks and threats. With support from Congress, the Department of State has revised policy, improved physical security through retrofitting and replacing old facilities, provided additional security personnel and armored vehicles, and greatly enhanced training requirements and training facilities, including the Diplomatic Security Training Center in Blackstone, Virginia.

(4) Diplomatic missions rely on robust staffing and ambitious external engagement to advance United States interests as diverse and competing with China’s malign influence around the world, fighting terrorism and transnational organized crime, preventing and addressing violent conflict and humanitarian disasters, promoting United States businesses and trade, protecting the rights of marginalized groups, addressing climate change, and preventing pandemic disease.

(5) Efforts to protect personnel overseas have often resulted in inhibiting diplomatic activity and limiting engagement between embassy personnel and local governments and populations.

(6) Given that Congress currently provides annual appropriations in excess of $10,000,000,000 for embassy security, construction, and maintenance, the Department should be able to ensure a robust overseas presence without inhibiting the ability of diplomats to—

(A) meet outside United States secured facilities with foreign leaders to explain, defend, and advance United States priorities;

(B) provide United States citizens services; and

(C) provide United States citizen services; and

and (D) collaborate and, at times, compete with other diplomatic missions, particularly those, such as that of the People’s Republic of China, that do not have restrictions on meeting locations.

(7) Given these stakes, Congress has a responsibility to empower, support, and hold the Department accountable for implementing an aggressive strategy to ensure a robust overseas presence that mitigates potential risks and adequately considers the myriad direct and indirect consequences of a lack of diplomatic presence.

(c) ENCOURAGING EXPEDITIONARY DIPLOMACY.—

(1) PURPOSE.—Section 102(b) of the Diplomatic Security Act of 1986 (22 U.S.C. 4801(b)) is amended to read as follows:

(A) by amending paragraph (3) to read as follows:
“(3) to promote strengthened security measures, institutionalize a culture of learning, and, in the case of apparent gross negligence or breach of duty, recommend that the Secretary, to the extent consistent with available information, investigate accountability for United States Government personnel with security-related responsibilities under Chief of Mission authority;”;

(B) by inserting paragraphs (4) and (5) as paragraphs (6) and (7), respectively; and (C) by inserting after paragraph (3) the following:

“(4) to support a culture of risk management, instead of risk avoidance, that enables the Department of State to pursue its vital goals and know that it is neither desirable nor possible for the Department to avoid all risks;”;

(2) BRIEFINGS ON EMBASSY SECURITY.—Section 303(a)(1) of the Diplomatic Security Act of 1986 (22 U.S.C. 4831(a)) is amended—

(A) by striking “any plans to open or re-open a high risk, high threat post” and inserting “progress towards opening or reopening a high risk, high threat post, and the risk to national security of the continued closure or suspension of operations, at a United States national security-related responsibility”;

(B) in subparagraph (A), by inserting “the risk to United States national security of the post’s continued closure or suspension of operations, at a United States national security-related responsibility”;

(C) in subparagraph (B), by inserting “the type and level of security threats such post could encounter, and” before “security ‘triggers’”;

(d) SECURITY REVIEW COMMITTEES.—(1) IN GENERAL.—Section 301 of the Diplomatic Security Act of 1986 (22 U.S.C. 4831) is amended—

(A) in the section heading, by striking “ACCOUNTABILITY REVIEW BOARDS” and inserting “SECURITY REVIEW COMMITTEES”;

(B) in subsection (a)—

(i) in paragraph (1) to read as follows:

“(1) CONVENING THE SECURITY REVIEW COMMITTEE.—In any case of a serious security incident, investigation or movement taken place; and

(ii) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(D) by inserting after paragraph (1) the following:

“(2) COMMITTEE COMPOSITION.—The Secretary shall designate a Chairperson and may designate additional personnel of consequence to serve on the Security Review Committee, which shall include—

(A) the Director of the Office of Management Strategy and Solutions;

(B) the Assistant Secretary responsible for the region where the incident occurred;

(C) the Assistant Secretary for Diplomatic Security;

(D) the Assistant Secretary for Intelligence and Research;

(E) an Assistant Secretary-level representative from any involved United States Government department or agency; and

(F) other personnel determined to be necessary or appropriate.;

(ii) in paragraph (3), as redesignated by clause (i),—

(iii) in the paragraph heading, by striking “DEPARTMENT OF DEFENSE FACILITIES AND PERSONNEL” and inserting “EXCEPTIONS TO CONVENE A SECURITY REVIEW COMMITTEE”;

(iv) by striking “The Secretary of State is not required to convene a Board in the case” and inserting the following:

“(A) IN GENERAL.—The Secretary of State is not required to convene a Security Review Committee;

(B) if the Secretary determines that the additional period is necessary;”;

(C) by inserting after “the Secretary” the following:

“(D) an assessment of whether the failure or movements outside the United States mission and its personnel, or operations, was due to the failure of any officials or employees to follow procedures or perform their duties contributed to the security incident;”;

(G) by inserting the following:

“(A) INVESTIGATIVE TEAM.—The investigative team assembled pursuant to paragraph (2) shall consist of individuals from the Diplomatic Security Service who shall provide an independent examination of the facts surrounding the incident and what occurred. The Secretary, or the Secretary’s designee, shall review the makeup of the investigative team and determine if a conflict of interest, or lack of independence that could undermine the results of the investigation and may remove or replace any members of the team to avoid such an outcome.

(B) REPORT OF INVESTIGATION.—Not later than 90 days after the occurrence of a Serious Security Incident, the investigative team investigating the incident shall prepare and submit a Report of Investigation to the Security Review Committee that includes—

(1) a detailed description of the matters set forth in subparagraphs (A) through (D) of subsection (a)(2), including all related findings;

(2) a complete and accurate account of the casualties, injuries, and damage resulting from the incident; and

(3) a review of security procedures and directives in place at the time of the incident.

(C) CONFIDENTIALITY.—The investigative team investigating a Serious Security Incident shall adopt such procedures with respect to confidentiality as determined necessary, including procedures relating to the collection, classification, and dissemination of evidence in camera, to ensure in particular the protection of classified information relating to national defense, foreign relations, or other matters. The Director of the National Intelligence shall establish the level of protection required for intelligence information and for information relevant to intelligence matters. The Director of National Intelligence shall establish the level of protection required for intelligence information and for information relevant to intelligence matters. The Director of National Intelligence shall establish the level of protection required for intelligence information and for information relevant to intelligence matters.

SEC. 303. SERIOUS SECURITY INCIDENT INVESTIGATION PROCESS.

(A) INVESTIGATION PROCESS.—

(1) INITIATION OF INVESTIGATION.—A United States mission shall submit an initial report of a Serious Security Incident not later than 3 days after such incident occurs, whenever feasible, at which time an investigation of the incident shall be initiated.

(B) INVESTIGATION.—Not later than 10 days after the submission of the report pursuant to paragraph (1), the Secretary shall direct the Diplomatic Security Service to assemble an investigative team to investigate the incident and independent incident that occurred. Each investigation under this section shall cover—

(A) an assessment of what occurred, who perpetrated or is suspected of having perpetrated the Serious Security Incident, and whether applicable security procedures were followed;

(B) in the event the Serious Security Incident involved a United States diplomatic compound, motorcade, residence, or other facility, an assessment of whether adequate security countermeasures were in effect based on a known threat at the time of the incident;

(C) if the incident involved an individual or group of officials, employees, or family members under Chief of Mission security responsibility conducting approved operations or movements outside the United States mission; an assessment of the applicability of security briefings and procedures were in place and whether the risk of operation or movement took place; and

(D) an assessment of the failure of any officials or employees to follow procedures or perform their duties contributed to the security incident.

(2) BRIEFINGS ON EMBASSY SECURITY.—Not later than 10 days after the occurrence of a Serious Security Incident, the Secretary shall direct the Diplomatic Security Service to assemble an investigative team to investigate the incident and independent incident that occurred. Each investigation under this section shall cover—

(A) a detailed description of the matters set forth in subparagraphs (A) through (D) of subsection (a)(2), including all related findings;

(B) a complete and accurate account of the casualties, injuries, and damage resulting from the incident; and

(C) a review of security procedures and directives in place at the time of the incident.

(D) an assessment of whether the failure or movements outside the United States mission and its personnel, or operations, was due to the failure of any officials or employees to follow procedures or perform their duties contributed to the security incident;”.

(g) FINDINGS AND RECOMMENDATIONS OF THE SECURITY REVIEW COMMITTEE.—Section 304 of
(b) RELATION TO OTHER PROCEEDINGS.—Sec- tion 305 of the Diplomatic Security Act of 1986 (22 U.S.C. 4835) is amended—
(1) by inserting “(a) NO EFFECT ON EXIST- ING REMEDIES OR DEFENSES.—” before “Noth- ing in this title”; and
(2) by adding at the end following:—
(b) FUTURE INQUIRIES.—Nothing in this title may be construed to preclude the Sec- retary of State from convening a follow-up public board of inquiry to investigate any se- curity incident if the incident was of such magnitude or internal or external nature that it is deemed insufficient to understand and investigate the incident. All materials gathered during the procedures provided under the following subsection may be rele- vant to the future follow-up board of inquiry convened by the Sec- retary.”.

SEC. 5303. ESTABLISHMENT OF UNITED STATES EMBASSIES IN VANUATU, KIRIBATI, AND TONGA.

(a) FINDINGS.—Congress makes the fol- lowing findings:
(1) The Pacific Islands are vital to United States national security and national inter- ests in the Indo-Pacific region and globally.
(2) The Pacific Islands region spans 15 per- cent of the world's surface area and controls access to open waters in the Central Pacific, sea lanes to the Western Hemisphere, supply lines to United States forward-deployed forces in East Asia, and economically impor- tant fisheries.
(3) The Pacific Islands region is home to the State of Hawaii, 11 United States terri- tories, United States Naval Base Guam, and United States Andersen Air Force Base.
(4) Pacific Island countries cooperate with the United States and United States part- ners on maritime security and efforts to stop illegal, unreported, and destructive fishing.
(5) The Pacific Islands are rich in biodiver- sity and are on the frontlines of environ- mental challenges and climate issues.
(6) The People's Republic of China (PRC) seeks to increase its influence in the Pacific Islands region, including through infrastruc- ture development under the PRC's Belt, One Road Initiative and its new security agreement with the Solomon Islands.
(7) The United States Embassy in Papua New Guinea manages diplomatic affairs of the United States to the Republic of Vanuatu, and the United States Embassy in Fiji manages the diplomatic affairs of the United States to the Republic of Kiribati and the Kingdom of Tonga.
(8) The United States requires a physical diplomatic presence in the Republic of Vanuatu as part of its defense needs, and the Kingdom of Tonga, to ensure the physical and operational security of our efforts in those countries to deepen relations, protect United States national security, and pursue United States national interests.
(9) Increasing the number of United States embassies dedicated solely to a Pacific Is- lands country is consistent with the United States' ongoing commitment to the region and to the Pacific Island countries.
(b) ESTABLISHMENT OF EMBASSIES.
(1) In general.—The Secretary of State shall establish physical United States em- bassies in the Republic of Kiribati and in the Kingdom of Tonga, and a physical presence in the Republic of Vanuatu as soon as pos- sible.
(2) OTHER STRATEGIES.—
(A) PHYSICAL INFRASTRUCTURE.—In estab- lishing embassies under paragraph (1), and creating the physical infrastructure to ensure the physical and operational safety of embassy personnel, the Secretary may pur- chase existing buildings or co- locate personnel in embassies of like-minded partners, such as Australia and New Zealand.
(B) PERSONNEL.—In establishing a physical presence in the Republic of Vanuatu pursuant to paragraph (1), the Secretary may as- sign 1 or more United States Government personnel to the Republic of Vanuatu as part of the United States mission in Papua New Guinea.
(C) WAIVER AUTHORITY.—The President may waive the requirements under paragraph (1), for a period of one year if the President de- termines and reports to Congress in advance that such waiver is necessary to protect the national security interests of the United States.
(D) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 5302, the Secretary of State shall submit to the appropriate committees of Congress a report that includes—
(A) a description of the status of activities carried out to achieve the objectives de- scribed in this section;
(B) an estimate of when embassies and a physical presence will be fully established pursuant to subsection (b)(1); and
(C) an update on events in the Pacific Islands region relevant to the establishment of United States embassies, including activities by the People's Republic of China.
(3) REPORT ON FINAL DISPOSITION.—Not later than 2 years after the date of the enact- ment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that—
(A) confirms the establishment of the 2 em- bassies and the physical presence required under subsection (b)(1); or
(B) if the embassies and physical presence required in subsection (b)(1) have not been established, a justification for such failure to comply with such requirement.

TITLE LIV—A DIVERSE WORKFORCE: RE- CRUITMENT, RETENTION, AND PRO- MOTION

SEC. 5401. REPORT ON BARRIERS TO APPLYING FOR EMPLOYMENT WITH THE DE- PARTMENT OF STATE.

Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congr- essional committees that—
(1) identifies any barriers for applicants applying for employment with the Depart- ment;
(2) provides demographic data of online ap- plicants during the most recent 3 years disaggregated by sex, race, age, veteran status, disability, geographic region;
(3) assesses any barriers that exist for ap- plying online for employment with the De- partment, disaggregated by race, ethnicity, sex, age, veteran status, disability, geo- graphic region; and
(4) includes recommendations for addressing any disparities identified in the online application process.

SEC. 5402. COLLECTION, ANALYSIS, AND DISSEMINATION OF WORKFORCE DATA.

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes disaggregated demographic data and other information regarding the diversity of the workforce of the Department.

(b) DATA.—The report required under subsection (a) shall describe to the maximum extent that the collection and dissemination of such data can be done in a way that protects the confidentiality of individuals and is otherwise permissible law.

(1) demographic data on each element of the workforce of the Department during the 5-year period ending on the date of the enactment of this Act, disaggregated by rank and grade or grade-equivalent, with respect to—

(A) individuals hired to join the workforce;

(B) individuals promoted, including promotions to and within the Senior Executive Service or the Senior Foreign Service;

(C) individuals serving as special assistants in any of the offices of the Secretary of State, the Deputy Secretary of State, the Counselor of the Department of State, the Secretary's Policy Planning Staff, the Under Secretary of State for Arms Control and International Security, the Under Secretary of State for Civilian Security, Democracy, and Human Rights, the Under Secretary of State for Economic Growth, Energy, and the Environment, the Under Secretary of State for Management, the Under Secretary of State for Public Diplomacy and Public Affairs;

(D) individuals serving in each bureau's front office;

(E) individuals serving as detailees to the National Security Council;

(F) individuals serving on applicable selection boards;

(G) members of any external advisory committee or board who are subject to appointment by individuals at senior positions in the Department;

(H) individuals participating in professional development programs of the Department and the extent to which such participants are advanced into senior positions within the Department after such participation;

(I) individuals participating in mentorship or retirement programs; and

(J) individuals who separated from the agency, including individuals in the Senior Executive Service or the Senior Foreign Service;

(2) an assessment of agency compliance with the essential elements identified in Equal Employment Opportunity Commission Management Directive 715, effective October 1, 2003; and

(3) data on the overall number of individuals who are part of the workforce, the percentages of such workforce corresponding to each element specified in paragraph (1), and the percentages corresponding to each rank, grade, or grade-equivalent.

(c) EFFECTIVENESS OF DEPARTMENT EFFORTS.—The report required under subsection (a) shall describe and assess the effectiveness of the efforts of the Department to—

(1) propagate fairness, impartiality, and inclusion in the work environment, both domestically and abroad;

(2) enforce harassment and anti-discrimination policies, both domestically and at posts overseas;

(3) refrain from engaging in unlawful discrimination in any phase of the employment process, including recruitment, hiring, evaluation, assignments, promotion, retention, and training;

(4) to prevent retaliation against employees for participating in a protected equal employment opportunity activity or for reporting sexual harassment or assault;

(5) to provide reasonable accommodation for qualified employees and applicants with disabilities; and

(b) to recruit a representative workforce by—

(A) recruiting women, persons with disabilities, and minorities;

(B) recruiting women's colleges, historically Black colleges and universities, minority-serving institutions, and other institutions serving a significant percentage of minority students;

(C) placing job advertisements in newspapers, magazines, and job sites oriented toward women and minorities;

(D) sponsoring and recruiting at job fairs in urban and rural communities and at land-grant colleges or universities;

(E) providing opportunities through the Foreign Service Examination Program under chapter 12 of the Foreign Service Act of 1980 (22 U.S.C. 4141 et seq.), and other hiring initiatives;

(F) recruiting mid-level and senior-level professionals through programs designed to increase representation in international affairs of people belonging to traditionally under-represented groups;

(G) offering the Foreign Service written and oral assessment examinations in several locations throughout the United States or via online platforms to reduce the burden of applicants having to travel at their own expense to take either or both such examinations;

(H) expanding the use of paid internships; and

(I) supporting recruiting and hiring opportunities through—

(i) the Charles B. Rangel International Affairs Fellowship Program;

(ii) the Thomas R. Pickering Foreign Affairs Fellowship Program;

(iii) other initiatives, including agency-wide policy initiatives.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 1 year after the publication of the report required under subsection (a), the Secretary of State shall submit a report to the appropriate congressional committees, and make such report available on the Department’s website, that includes, without compromising the confidentiality of individuals and to the extent otherwise consistent with law—

(A) disaggregated demographic data, to the maximum extent that collection of such data is permissible by law, relating to the workforce and individuals of diversity and inclusion efforts of the Department;

(B) an analysis of applicant flow data, to the maximum extent that collection of such data is permissible by law; and

(C) disaggregated demographic data relating to participants in professional development programs of the Department and the rate of placement into senior positions for participants in such programs.

(2) COMBINATION WITH OTHER ANNUAL REPORT.—The report required under paragraph (1) may be combined with another annual report required by law, to the extent practicable.

SEC. 5403. CENTERS OF EXCELLENCE IN FOREIGN AFFAIRS AND ASSISTANCE.

(a) PURPOSE.—The purposes of this section are—

(1) to advance the values and interests of the United States overseas through programs that foster innovation, competitiveness, and a diversity of backgrounds, views, and experiences in the formulation and implementation of United States foreign policy and assistance; and

(2) to create opportunities for specialized research, education, professional development, and leadership opportunities for individuals belonging to an underrepresented group within the Department and USAID.

(b) STUDY.—

(1) IN GENERAL.—The Secretary and the Administrator of USAID shall submit a study on the feasibility of establishing Centers of Excellence in Foreign Affairs and Assistance (referred to in this section as the ‘‘Centers of Excellence’’) within institutions that serve individuals belonging to an underrepresented group to focus on 1 or more of the areas described in paragraph (2).

(2) ELEMENTS.—In conducting the study required under paragraph (1), the Secretary and the Administrator, respectively, shall consider—

(A) opportunities to enter into public-private partnerships that will—

(i) increase diversity in foreign affairs and foreign assistance Federal careers;

(ii) prepare a diverse cadre of students (including nontraditional, mid-career, part-time, and heritage students) and nonprofit or business professionals with the skills and knowledge needed to contribute to the formulation and execution of United States foreign policy and assistance;

(iii) support the conduct of research, education, and extension programs that reflect diverse perspectives and a wide range of views of world regions and international affairs;

(iv) assist in the development of regional and functional foreign policy skills;

(v) to strengthen international development and humanitarian assistance programs; and

(vi) to strengthen diplomatic institutions and processes in policymaking, including supporting public policies that engender equitable and inclusive societies and focus on challenges and inequalities in education, health, wealth, justice, and other sectors faced by diverse communities;

(vi) to support collaboration among institutions of higher education, including community colleges, nonprofit organizations, and corporations, to strengthen the engagement between experts and specialists in the foreign affairs and foreign assistance fields; and

(4) leverage additional public-private partnerships with nonprofit organizations, foundations, corporations, institutions of higher education, and the Federal Government; and

(B) budget and staffing requirements, including appropriate sources of funding, for the establishment and conduct of operations of such Centers of Excellence.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains the findings of the study conducted pursuant to subsection (b).

SEC. 5404. INSTITUTE FOR TRANSATLANTIC ENGAGEMENT.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary is authorized to establish...
transatlantic relations and diverse populations. The Institute shall be headed by a Director, who shall have expertise in international public service and efficacy of the program.

(d) SCOPE AND ACTIVITIES.—The Institute shall:

1. strengthen knowledge of the formation and implementation of transatlantic policies critical to national security, including the threats posed by the Russian Federation and the People’s Republic of China;
2. increase awareness of the roles of government and nongovernmental actors, such as multinational corporations, businesses, civil society actors, academia, think tanks, and philanthropic institutions, in transatlantic policy development and execution;
3. enhance the skills, abilities, and effectiveness of government officials at national and international levels;
4. develop metrics to track the success and efficacy of the program.

(e) ELIGIBILITY TO PARTICIPATE.—Participants in the programs of the Institute shall include government officials(1) serving at national, regional, or local levels in the United States, Canada, and Europe;
(2) who represent geographically diverse backgrounds or constituencies in the United States, Canada, and Europe;
(3) Selection of Participants.—

1. United States Participants.—Participants from the United States shall be appointed in an equally divided manner by:
(A) the chairpersons and ranking members of the appropriate congressional committees;
(B) the Speaker of the House of Representatives and the Majority Leader of the Senate;
(C) the Minority Leader of the Senate and the Majority Leader of the Senate.

2. European Participants.—Participants from Europe and Canada shall be appointed by the Secretary, in consultation with—
(A) the chairpersons and ranking members of the appropriate congressional committees;
(B) the Speaker of the House of Representatives and the Majority Leader of the House of Representatives;
(C) the Majority Leader of the Senate and the Minority Leader of the Senate.

3. Restrictions.—

1. Digital Representation.—Participants in the Institute may not be paid a salary for such participation.

2. Reimbursement.—The Institute may pay or reimburse participants for reasonable travel, lodging, and food in connection with participation in the program.

3. Travel.—Authorized to be appropriated under subsection (b) may be used for travel for Members of Congress to participate in Institute activities.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated up to $750,000 for fiscal year 2023 to carry out this section.

SECTION 3450. RULE OF CONSTRUCTION.

Nothing in this division may be construed as altering existing law regarding merit system principles.

TITLE IV—INFORMATION SECURITY AND CYBER DIPLOMACY

SEC. 5501. UNITED STATES INTERNATIONAL CYBERSPACE POLICY.

(a) IN GENERAL.—It is the policy of the United States:
(1) to work internationally to promote an open, interoperable, reliable, and secure internet governed by the multi-stakeholder model, which—
(A) promotes democracy, the rule of law, and human rights, including freedom of expression;
(B) supports the ability to innovate, communicate, and promote economic prosperity; and
(C) is designed to protect privacy and guard against deceptive, malign, or malign influence, incitement to violence, harassment and abuse, fraud, and theft;
(2) to encourage and aid United States allies and partners in improving their own technological capabilities and resiliency to pursue, defend, and protect shared interests and values, free from coercion and external pressures;
(3) in furtherance of the efforts described in paragraphs (1) and (2)—
(A) to provide incentives to the private sector to accelerate the development of the technologies referred to in such paragraphs;
(B) to modernize and harmonize with allies and partners export controls and investment screening regimes and associated policies and regulations; and
(C) to enhance United States leadership in technical standards-setting bodies and avenues for developing norms regarding the use of digital tools.
(3) Implementation.—In implementing the policy described in subsection (a), the President, in consultation with outside actors, as appropriate, including private sector companies, nongovernmental organizations, security researchers, and other relevant stakeholders, in the conduct of bilateral and multilateral relations, shall strive—
(1) to clarify the applicability of international laws and norms to the use of information and communications technology (referred to in this subsection as “ICT”);
(2) to reduce and limit the risk of escalation and cyberattacks that pose a threat to critical infrastructure, and other malicious cyber activity that impairs the use and operation of critical infrastructure that provides services to the public;
(3) to cooperate with like-minded countries that share common values and cybersecurity policies with the United States, including respecting national laws and norms to the use of information and communications technology (referred to in this subsection as “ICT”) and ensuring that people have offline also need to be protected;
(4) to advance, encourage, and support the development and adoption of internationally recognized technical standards and best practices.

SEC. 5502. BUREAU OF CYBERSPACE AND DIGITAL POLICY.

(a) IN GENERAL.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2515a), is amended—
(1) by redesignating subsections (1) and (j) as subsections (j) and (k), respectively;
(2) by redesignating subdivision (h) (as added by section 361a(i) of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260)) as subsection (l); and
(3) by inserting after subsection (h) the following:

“(l) BUREAU OF CYBERSPACE AND DIGITAL POLICY.—

(i) IN GENERAL.—There is established within the Department of State, the Bureau of Cyberspace and Digital Policy (referred to in this subsection as the ‘Bureau’), the head of which shall be appointed by the President, by and with the advice and consent of the Senate.

(ii) DUTIES.—The head of the Bureau shall perform such duties and exercise such powers as the Secretary of State shall prescribe, including implementing the diplomatic and foreign policy aspects of the policy described in section 5501(a) of the Department of State Authorization Act of 2022.

(b) DUTIES DESCRIBED.—The principal duties and responsibilities of the head of the Bureau shall, in furtherance of the diplomatic and foreign policy mission of the Department, be—
(i) to serve as the principal cyberspace policy official within the senior management of the Department of State and as the advisor to the Secretary of State for cyberspace and digital issues; and
(ii) to lead, coordinate, and execute, in coordination with other relevant bureaus

(1) to not conduct, or knowingly support, cyber-enabled theft of intellectual property, including trade secrets or other confidential business information, with the intent of promulgating competitive advantages to companies or commercial sectors;
(2) to take all appropriate and reasonable efforts to keep their territories clear of international threats emanating from malicious ICT activity that harms the information systems of authorized international emergency response teams (also known as computer emergency response teams or ‘cybersecurity incident response teams’) of another country or authorize emergency response teams to engage in malicious international activity, in violation of international law;
(3) to respond to appropriate requests for assistance to mitigate malicious ICT activity emanating from their territory and aimed at the critical infrastructure of another country;
(4) to not restrict cross-border data flows or require local storage or processing of data;
(5) to protect the exercise of human rights and fundamental freedoms on the internet, while recognizing that the exercise of human rights that people have offline also need to be protected online; and
(6) to advance, encourage, and support the development and adoption of internationally recognized technical standards and best practices.
and offices, the Department of State’s diplomatic cyberspace and cybersecurity efforts (including efforts related to data privacy, data flows, internet governance, information and communications technology standards, and other issues that the Secretary has assigned to the Bureau);

(iii) to coordinate with relevant Federal agencies and the National Cyber Director to ensure the diplomatic and foreign policy aspects of the cyber strategy in section 5501 of the Department of State Authorization Act of 2022;

(iv) to impose, unreasonable requirements on the United States; and

(v) to support efforts by the Global Engagement Center to counter cyber-enabled information operations against the United States or its allies and partners; and

(xxx) to conduct cyber-related activities as the Secretary of State may assign.

(3) QUALIFICATIONS.—The head of the Bureau should be an individual of demonstrated competency in the fields of—

(A) cybersecurity and other relevant cyberspace and information and communications technology policy issues; and

(B) international diplomacy.

(4) ORGANIZATIONAL PLACEMENT.

(A) INITIAL PLACEMENT.—Except as provided in paragraph (B), the head of the Bureau shall report to the Deputy Secretary of State.

(B) SUBSEQUENT PLACEMENT.—The head of the Bureau may report to an Under Secretary of State or to an official holding a higher position than Under Secretary if, not later than 15 days before any change in such reporting structure, the Secretary of State—

(1) indicates that the Secretary, with respect to the reporting structure of the Bureau, has consulted with and solicited feedback from—

(aa) other relevant Federal entities with a role in international aspects of cyber policy; and

(bb) the elements of the Department of State with responsibility for aspects of cyber policy, including the elements reporting to—

(A) the Under Secretary of State for Political Affairs;

(B) the Under Secretary of State for Civilian Security, Democracy, and Human Rights;

(CC) the Under Secretary of State for Economic Growth, Energy, and the Environment;

(DD) the Under Secretary of State for Arms Control and International Security Affairs;

(EE) the Under Secretary of State for Management and Resources;

(FF) the Under Secretary of State for Public Diplomacy and Public Affairs;

(II) describes the new reporting structure for the head of the Bureau to carry out the duties described in paragraph (2), including the security, economic, and human rights aspects of cyber diplomacy.

(6) SPECIAL HIRING AUTHORITIES.—The Secretary of State may—

(A) appoint employees without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service; and

(B) fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of title 5, regarding classification and General Schedule pay rates.

(6) COORDINATION.—In implementing the duties described in paragraph (2), the head of the Bureau shall coordinate with the Heads of such Federal agencies as the National Cyber Director deems appropriate.

(7) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed—

(A) to preclude the head of the Bureau from being designated as an Assistant Secretary of State; or

(B) to alter or modify the existing authorities of any other Federal agency or office.

(8) SENSE OF CONGRESS.—It is the sense of Congress that the Bureau established under section 1(i) of the State Department Basic Authorities Act of 2022, added by subsection (a), should have a diverse workforce composed of qualified individuals, including individuals belonging to an underrepresented group.

(9) UNITED NATIONS.—The Permanent Representative of the United States to the United Nations should use the voice, vote, and influence of the United States to support any measure that is inconsistent with the policy described in section 5501(a).

SEC. 5503. INTERNATIONAL CYBERSPACE AND DIGITAL POLICY STRATEGY.

(a) STRATEGY REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the President, acting through the Secretary, and in coordination with the heads of other relevant Federal departments and agencies, shall develop an international cyberspace and digital policy strategy.

(b) ELEMENTS.—The strategy required under subsection (a) shall include—

(1) a review of activities and actions undertaken to support the policy described in section 5501(a);

(2) a plan of action to guide the diplomacy of the Department with respect to foreign countries, including—

(A) conducting bilateral and multilateral activities; and

(B) improving allies’ and partners’ collaboration with the United States on cyber security and cybercrime, including information sharing, regulatory coordination and improvement, and joint investigatory and law enforcement operations related to cybercrime; and

(3) a review of existing efforts in relevant multilateral fora, as appropriate, to obtain commitments on international norms regarding cyberspace;

(c) REVIEW OF ALTERNATIVE CONCEPTS FOR INTERNATIONAL NORMS REGARDING CYBERSPACE.—

(A) United States national security;

(B) the Federal and private sector cyberspace infrastructure of the United States; and

(D) the privacy and security of citizens of the United States.

(v) the extent to which tools have been used; and

No.

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DIGITAL POLICY STRATEGY.

(a) STRATEGY REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the President, acting through the Secretary, and in coordination with the heads of other relevant Federal departments and agencies, shall develop an international cyberspace and digital policy strategy.

(b) ELEMENTS.—The strategy required under subsection (a) shall include—

(1) a review of activities and actions undertaken to support the policy described in section 5501(a);

(2) a plan of action to guide the diplomacy of the Department with respect to foreign countries, including—

(A) conducting bilateral and multilateral activities; and

(B) improving allies’ and partners’ collaboration with the United States on cyber security and cybercrime, including information sharing, regulatory coordination and improvement, and joint investigatory and law enforcement operations related to cybercrime; and

(3) a review of existing efforts in relevant multilateral fora, as appropriate, to obtain commitments on international norms regarding cyberspace;

(c) REVIEW OF ALTERNATIVE CONCEPTS FOR INTERNATIONAL NORMS REGARDING CYBERSPACE.—

(A) United States national security;

(B) the Federal and private sector cyberspace infrastructure of the United States; and

(D) the privacy and security of citizens of the United States.

(v) the extent to which tools have been used; and

No.
(C) whether such tools have been effective deterrents;
(6) a review of resources required to conduct activities to build responsible norms of international behavior;
(7) a review, in coordination with the Office of the National Cyber Director and the Office of Management and Budget, to determine whether the establishment of such a Bureau is necessary or whether existing agencies are adequate to address the challenges posed by China.

SEC. 5505. REPORT ON DIPLOMATIC PROGRAMS TO DETECT AND RESPOND TO CYBER THREATS AGAINST ALLIES AND PARTNERS.

Not later than 180 days after the date of the enactment of this Act, the Secretary, in coordination with the appropriate congressional committees described in section 5501(b), shall submit a report to the appropriate congressional committees that: (A) assesses the potential role of diplomatic and other overseas activities of the Department of State in countering cybersecurity threats against friends and allies; and (B) recommends mechanisms for the Department to engage in such diplomacy.

SEC. 5506. CYBERSECURITY RECRUITMENT AND RETENTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that improving computer programming language proficiency will improve—
(1) the cybersecurity effectiveness of the Department;
(2) the ability of foreign service officers to engage with foreign audiences on cybersecurity matters;
(3) the cybersecurity effectiveness of the Department; and
(4) the cybersecurity effectiveness of the Department.

(b) T HROUGHPUT OBJECTIVES.—The Secretary shall establish objectives for recruiting and retaining cybersecurity professionals, including—
(1) an initial objective for the first year of the enactment of this Act; and
(2) an objective for each subsequent year.

(c) FORM OF STRATEGY.—
(1) PUBLIC AVAILABILITY.—The strategy required under subsection (a) shall be available to the public and shall be incorporated into the Department’s human capital plan by including it in the strategic plan.

(d) BRIEFING.—Not later than 30 days after the completion of the strategy required under subsection (a), the Secretary shall brief the Committee on Foreign Relations of the Senate, the Committee on Intelligence of the Senate, the Committee on Armed Services of the Senate, the Committee on Intelligence of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Armed Services of the House of Representatives on the strategy, including any material contained in a classified annex.

(e) UPDATES.—The strategy required under subsection (a) shall be updated—
(1) not later than 90 days after any material change to United States policy described in such strategy; and
(2) not later than that year after the inauguration of each new President.

SEC. 5507. SHORT COURSE ON EMERGING TECHNOLOGIES FOR SENIOR OFFICIALS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop and begin providing, for senior officials of the Department, a course addressing how the most recent and relevant technologies affect the activities of the Department.

(b) THROUGHPUT OBJECTIVES.—The Secretary should ensure that—
(1) during the first year that the course developed pursuant to subsection (a) is offered, not fewer than 20 percent of senior officials are certified as having passed such course; and
(2) in each subsequent year, until the date on which 80 percent of senior officials are certified as having passed such course, an additional 10 percent of senior officials are certified as having passed such course.

SEC. 5508. ESTABLISHMENT AND EXPANSION OF REGIONAL TECHNOLOGY OFFICER PROGRAM.

(a) REGIONAL TECHNOLOGY OFFICER PROGRAM.

(1) ESTABLISHMENT.—The Secretary shall establish a program, which shall be known as
the “Regional Technology Officer Program” (referred to in this section as the “Program”); (2) GOALS.—The goals of the Program shall include—
(A) Promoting United States leadership in technology abroad.
(B) Working with partners to increase the deployment of critical and emerging technology in support of democratic values.
(C) Shaping diplomatic agreements in regional and international fora with respect to critical and emerging technologies.
(D) Building diplomatic capacity for handling critical and emerging technology issues.
(E) Facilitating the role of critical and emerging technology in advancing the foreign policy objectives of the United States through engagement with research labs, incubators, and venture capitalists.
(F) Maintaining the advantages of the United States with respect to critical and emerging technologies.
(b) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit an implementation plan to the appropriate congressional committees that outlines strategies for—
(1) advancing the goals described in subsection (a); (2) hiring Regional Technology Officers and increasing the competitiveness of the Program within the Foreign Service bidding process; (3) expanding the Program to include a minimum of 15 Regional Technology Officers; and
(4) assigning not fewer than 2 Regional Technology Officers to posts within—
(A) each regional bureau of the Department; and
(B) the Bureau of International Organization Affairs.
(c) ANNUAL BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to Congress that describes any ongoing efforts by the Department or a third-party vendor under contract with the Department to establish or carry out a bug bounty program that identifies security vulnerabilities in internet-facing information technology of the Department.
(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated up to $25,000,000 for each of the fiscal years 2023 through 2027 to carry out this section.
SEC. 5509. VULNERABILITY DISCLOSURE POLICY AND BUG BOUNTY PROGRAM REPORT.
(a) DEFINITIONS.—In this section:
(1) BUG BOUNTY PROGRAM.—The term “bug bounty program” means a program under which an approved individual, organization, or company is temporarily authorized to identify and report vulnerabilities of internet-facing information technology of the Department in exchange for compensation.
(2) INFORMATION TECHNOLOGY.—The term “information technology” has the meaning given in section 1101 of title 40, United States Code.
(b) VULNERABILITY Disclosure POLICY.—(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish, and make publicly known a Vulnerability Disclosure Policy (referred to in this section as the “VDP”) to improve Department cybersecurity by—
(A) creating Department policy and infrastructure to receive reports of and remediate discovered vulnerabilities in line with existing policies of the Office of Management and Budget and the Department of Homeland Security Binding Operational Directive 20-01 or any successor order; and
(B) providing a report on such policy and infrastructure to Congress.
(2) ANNUAL REPORTS.—Not later than 180 days after the establishment of the VDP pursuant to paragraph (1), and annually thereafter for the following 5 years, the Secretary shall submit a report on the VDP to the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives that includes information relating to—
(A) the number and severity of all security vulnerabilities reported;
(B) the number of previously unidentified security vulnerabilities remediated as a result; (C) the current number of outstanding previously unidentified security vulnerabilities and Department of State remediation plans; (D) the average time between the reporting of security vulnerabilities and remediation of such vulnerabilities; (E) the resources, surge staffing, roles, and responsibilities within the Department used to implement the VDP and complete security vulnerability remediation; (F) how the security vulnerabilities are incorporated into existing Department vulnerability prioritization and management processes; (G) any challenges in implementing the VDP and plans for expansion or contraction in the scope of the VDP across Department information systems; and
(H) any other topic that the Secretary determines to be relevant.
(c) BUG BOUNTY PROGRAM REPORT.—(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to Congress that describes any ongoing efforts by the Department or a third-party vendor under contract with the Department to establish or carry out a bug bounty program that identifies security vulnerabilities in internet-facing information technology of the Department.
(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated up to $20,000,000 to the Department for United States participation in international fairs and expositions abroad, including for construction and operation of pavilions or other major exhibits.
SEC. 5602. PRESS FREEDOM CURRICULUM.
The Secretary shall ensure that there is a press freedom curriculum for the National Foreign Affairs Training Center that enables Foreign Service officers to better understand issues of press freedom and the tools that are available to help journalists and promote freedom of the press norms, which may include—
(1) the historic and current issues facing press freedom, including countries of specific concern;
(2) the Department's role in promoting press freedom as an American value, a human rights issue, and a national security imperative;
(3) ways to incorporate press freedom promotion into other aspects of diplomacy; and
(4) existing tools to assist journalists in distress and methods for engaging foreign governments and institutions on behalf of individuals engaged in journalistic activity who are at risk of harm.
SEC. 5603. GLOBAL ENGAGEMENT CENTER.
(a) IN GENERAL.—Section 1287(j) of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2452b) is amended by striking “the date that is 8 years after the date of the enactment of this Act” and inserting “December 31, 2027”.
(b) HIRING AUTHORITY FOR GLOBAL ENGAGEMENT CENTER.—Notwithstanding any other provision of law, the Secretary, during the 5-year period beginning on the date of the enactment of this Act, may, by appointment, hire personnel to carry out the functions of the Global Engagement Center described in section 1287(b) of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2452b) without regard to—
(1) any limitations related to appointments in senior or policy positions involving significant discretion or responsibility; and
(2) any other provision that otherwise limits the Secretary's authority to make such appointments.
SEC. 5701. SUPPORTING THE EMPLOYMENT OF UNITED STATES CITIZENS BY INTERNATIONAL ORGANIZATIONS. (a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department should continue to eliminate the unreasonable barriers United States citizens encounter to obtain employment in the United Nations Secretariat, funds, programs, and agencies; and

(2) the Department should bolster efforts to increase the number of qualified United States citizens who are candidates for leadership and oversight positions in the United Nations system, agencies, and commissions, and in other international organizations.

(b) In General.—The Secretary is authorized to promote the employment and advancement of United States citizens by international organizations and bodies, including by—

(1) providing stipends, consultation, and analytical services to support United States citizen applicants; and

(2) making grants for the purposes described in paragraph (1).

(c) Using Domestic Programs Funding To Promote the Employment of United States Citizens by International Organizations.—Amounts appropriated under the heading "Domestic Programs" in Acts making appropriations for the Department of State, Foreign Operations, and Related Programs are authorized to be appropriated for grants, projects, programs, and activities described in subsection (b).

(d) Strategy to Establish Junior Professional Program.—

(1) In general.—Not later than 120 days after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of the Treasury and other relevant cabinet members, shall publish a strategy for encouraging United States citizens to pursue careers with international organizations, particularly organizations that—

(A) set international scientific, technical, or commercial standards; or

(B) are involved in international finance and development.

(2) Report to Congress.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of the Treasury and the other relevant cabinet members, shall submit a report to the appropriate congressional committees that identifies—

(A) the number of United States citizens who applied or were accepted in relevant junior professional programs in an international organization;

(B) the distribution of individuals described in subparagraph (A) among various international organizations; and

(C) the types of predeployment training that are available to American citizens through a junior professional program at an international organization.

SEC. 5702. INCREASING HOUSING AVAILABILITY FOR UNITED STATES CITIZENS AND APPELLEES DESIGNATED TO THE UNITED STATES MISSION TO THE UNITED NATIONS. Section 5403 of the United Nations Participation Act of 1945 (22 U.S.C. 287e–1(2)) is amended by striking "30" and inserting "41".

SEC. 5703. LIMITATION ON UNITED STATES CONTRIBUTIONS TO PEACEKEEPING OPERATIONS NOT AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL. The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following:

"SEC. 12. LIMITATION ON UNITED STATES CONTRIBUTIONS TO PEACEKEEPING OPERATIONS NOT AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL. "

"None of the funds authorized to be appropriated or otherwise made available to pay assessed and other expenses of international peacekeeping operations not specifically authorized by the United Nations Security Council—"

SEC. 5704. BOARDS OF RADIO FREE EUROPE/RADIO FREE ASIA, THE MIDDLE EAST BROADCASTING NETWORKS, AND THE OPEN TECHNOLOGY FUND. The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by inserting after section 306 (22 U.S.C. 6205) the following:

"SEC. 307. GRANTEE CORPORATE BOARDS OF DIRECTORS.

"(a) In General.—The board of directors of each grantee under this title—

"(1) shall be bipartisan;

"(2) shall, except as otherwise provided in this Act, have the sole responsibility to operate their respective grantees within the jurisdiction of their respective States of incorporation;

"(3) shall be composed of not fewer than 5 members, who shall be qualified individuals who are not employed in the public sector; and

"(4) shall appoint successors in the event of vacancies on their respective boards, in accordance with applicable bylaws.

"(b) Non-Federal Employees.—No employee of any grantee under this title may be a Federal employee.".

SEC. 5705. BROADCASTING ENTITIES NO LONGER REQUIRED TO CONSOLIDATE INTO A SINGLE PRIVATE, NONPROFIT CORPORATION. Section 310 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6209) is repealed.

SEC. 5706. INTERNATIONAL BROADCASTING ACTIVITIES.—

Section 305(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)) is amended—

(1) by striking paragraph (20);

(2) by redesignating paragraphs (21), (22), and (23) as paragraphs (20), (21), and (22), respectively; and

(3) in paragraph (20), as redesignated, by striking "or between grantees.";

SEC. 5707. GLOBAL INTERNET FREEDOM.

(a) Statement of Policy.—It is the policy of the United States to promote internet freedom through programs of the Department and USAID that preserve and expand the internet as an open, global space for freedom of expression and association, which shall be prioritized for countries—

(1) whose governments restrict freedom of expression on the internet; and

 whose governments control or manipulate the national interest of the United States.

(b) Purpose and Coordination with Other Programs.—Global internet freedom programming under this section—

(1) shall be coordinated with other United States foreign assistance programs that promote democracy and support the efforts of civil society—

(A) to counter the development of repression, internet-related laws, and regulations, including countering threats to internet freedom at international organizations;

(B) to combat violence against bloggers and other civil society activists who utilize the internet; and

(C) to enhance digital security training and capacity building for democracy activists;

(2) shall seek to assist efforts—

(A) to research key threats to internet freedom;

(B) to continue the development of technologies that provide or enhance access to the internet, including circumvention tools that bypass internet blocking, filtering, and other censorship techniques used by authoritarian governments; and

(C) to maintain the technological advantage of the Federal Government over the censorship techniques described in subparagraph (B); and

(3) shall be incorporated into country assistance and democracy promotion strategies, as appropriate.

(c) Authorization of Appropriations.—There are authorized to be appropriated for fiscal year 2023—

(1) $75,000,000 to the Department and USAID, to continue efforts to promote internet freedom globally, and shall be matched, to the maximum extent practicable, by sources other than the Federal Government, including the private sector; and

(2) $9,000,000 to the United States Agency for Global Media (referred to in this section as the "USAGM") and its grantees, for internet freedom and circumvention technologies that are designed—

(A) for open-source tools and techniques to securely develop and distribute digital content produced by the USAGM and its grantees;

(B) to facilitate audience access to such digital content on websites that are censored;

(C) to coordinate the distribution of such digital content to targeted regional audiences; and

(D) to promote and distribute such tools and techniques, including digital security techniques.

(d) United States Agency for Global Media Activities.—

(1) Annual Certification.—For any new tools or techniques authorized under subsection (c)(2), the Chief Executive Officer of the USAGM, in consultation with the President of the Open Technology Fund (referred to in this subsection as the "OTF") and relevant Federal departments and agencies, shall submit an annual certification to the appropriate congressional committees that verifies they—

(A) have evaluated the risks and benefits of such new tools or techniques; and

(B) have established safeguards to minimize the use of such new tools or techniques for repurposes.

(2) Information Sharing.—The Secretary may not direct programs or policy of the
USAGM or the OTF, but may share any research and development with relevant Federal departments and agencies for the exclusive purposes of—

(A) sharing information, technologies, and best practices; and

(B) assessing the effectiveness of such technologies.

(3) UNITED STATES AGENCY FOR GLOBAL MEDIA.—The Chief Executive Officer of the USAGM, in consultation with the President of the USATF, shall—

(A) coordinate international broadcasting programs and incorporate such programs into country broadcasting strategies, as appropriate;

(B) solicit project proposals through an open, transparent, and competitive application process, including by seeking input from technical and subject matter experts; and

(C) support internet circumvention tools and techniques for audiences in countries that are strategic priorities for the OTP, in accordance with USAGM’s annual language service prioritization review.

(e) USAGM REPORT.—Not later than 120 days after the date of the enactment of this Act, the Chief Executive Officer of the USAGM shall submit a report to the appropriate congressional committees that describes—

(i) as of the date of the report—

(A) the full scope of internet freedom programs within the USAGM, including—

(i) reports of the Office of Internet Freedom; and

(ii) the efforts of the Open Technology Fund;

(B) the capacity of internet censorship circumvention tools supported by the Office of Internet Freedom and grantees of the Open Technology Fund that are available for use by individuals in foreign countries seeking to counteract censors; and

(C) any barriers to the provision of the efforts described in clauses (i) and (ii) of subparagraph (A), including access to surge funding; and

(ii) successful examples from the Office of Internet Freedom and Open Technology Fund involving—

(A) responding rapidly to internet shutdowns in closed societies; and

(B) ensuring uninterrupted circumvention services that enable individuals to promote internet freedom within repressive regimes.

(f) JOINT REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator of USAID shall jointly submit a report, which may include a classified annex, to the appropriate congressional committees that describes—

(i) as of the date of the report—

(A) the full scope of internet freedom programs within the Department and USAID, including—

(i) Department circumvention efforts; and

(ii) USAID efforts to support internet infrastructure in closed societies;

(B) the capacity of internet censorship circumvention tools supported by the Federal Government that are available for use by individuals in foreign countries seeking to counteract censors; and

(C) any barriers to the provision of the efforts enumerated in clauses (i) and (ii) of subparagraph (A), including access to surge funding; and

(ii) any new resources needed to provide the Federal Government with greater capacity to provide internet access—

(A) to respond rapidly to internet shutdowns in closed societies; and

(B) to provide internet connectivity to foreign audiences. The provision of additional internet access service would promote freedom from repressive regimes.

(g) SECURITY AUDITS.—Before providing any support for open source technologies under this section, such technologies must undergo comprehensive security audits to ensure such technologies are secure and have not been compromised in a manner that is detrimental to the interest of the United States or to the interests of individuals and organizations from programs supported by such funding.

(h) SURGE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (2), there is authorized to be appropriated, in addition to amounts otherwise made available for such purposes, up to $2,500,000 to support internet freedom programs in closed societies, including programs that—

(A) are carried out in crisis situations by vetted entities that are already engaged in internet freedom efforts;

(B) involve circumvention tools; or

(C) increase the overseas bandwidth for companies that received Federal funding during the previous fiscal year.

(2) CERTIFICATION.—Amounts authorized to be appropriated pursuant to paragraph (1) may not be expended until the Secretary has certified to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives that the use of such funds is in the national interest of the United States.

(i) DEFINED TERMS.—In this section, the term "internet circumvention tool" means a software application or other tool that an individual can use to evade foreign government restrictions on internet access.

SEC. 5708. ARMS EXPORT CONTROL ACT ALIGNMENT WITH THE EXPORT CONTROL ACT.

Section 38(e) of the Arms Export Control Act (22 U.S.C. 3781(c)) is amended—

(1) by striking "subsections (c), (d), (e), and (g) of section 11 of the Export Administration Act of 1979, and by subsections (a) and (b) of section 12 of such Act;" and inserting "subsections (c) and (d) of section 1760 of the Export Control Reform Act of 2018 (50 U.S.C. 4819), and by subsections (a), (b), (c), and (d) of section 4819(b) of such Act;";

(2) by striking "Section 1760(c)(2) of such Act (50 U.S.C. 4819(c)(2));" and inserting "Section 1760(c)(2) of such Act (50 U.S.C. 4819(c)(2));";

(3) by striking "11(c) of the Export Administration Act of 1979" and inserting "section 1760(c) of the Export Control Reform Act of 2018 (50 U.S.C. 4819(c));" and

(4) by striking "$100,000" and inserting "$100,000,000".

SEC. 5709. INCREASE THE MAXIMUM ANNUAL LEASE PAYMENT AVAILABLE WITHOUT APPROVAL BY THE SECRETARY.

Section 105 of the Foreign Service Building Acts, 1928 (22 U.S.C. 3010b) is amended by striking "$50,000" and inserting "$100,000,000."

SEC. 5710. REPORT ON UNITED STATES ACCESS TO CRITICAL MINERAL RESOURCES ABOROAD.

Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that details, with regard to the Department—

(1) diplomatic efforts to ensure United States access to critical minerals acquired from outside the United States that are used to manufacture clean energy technologies;

(2) collaboration with other parts of the Federal Government to build a robust supply chain for critical minerals necessary to manufacture clean energy technologies.

SEC. 5711. OVERSEAS UNITED STATES STRATEGIC INFRASTRUCTURE DEVELOPMENT PROJECTS.

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

(1) the One Belt, One Road Initiative (referred to in this section as "OBOR") exploits gaps in infrastructure in developing countries to advance the People’s Republic of China’s own foreign policy objectives; and

(2) although OBOR may meet many countries’ short-term strategic infrastructure needs, OBOR—

(A) frequently places countries in debt to the PRC;

(B) contributes to widespread corruption;

(C) often fails to maintain the infrastructure that is built; and

(D) rarely takes into account human rights, labor standards, or the environment; and

(3) the need to challenge OBOR represents a major national security concern for the United States, as the PRC’s efforts to control markets and supply chains for strategic infrastructure projects, including critical and strategic minerals resource extraction, represent a grave national security threat.

(b) DEFINITIONS.—

(1) OBOR.—The term "OBOR" means the One Belt, One Road Initiative, a global infrastructure development strategy initiated by the People’s Government of the People’s Republic of China in 2013.

(2) PRC.—The term "PRC" means the People’s Republic of China.


(1) IN GENERAL.—The Secretary, in coordination with the Administrator, shall enter into a contract with an independent research organization to prepare the report described in paragraph (2).

(2) REPORT ELEMENTS.—

The report described in this paragraph shall—

(A) describe the nature and cost of OBOR investments, operation, and construction of strategic infrastructure projects, including logistics, refining, and processing industries and resource facilities, and strategic mineral resource extraction projects, including an assessment of—

(i) the strategic benefits of such investments that are derived by the PRC and the host nation; and

(ii) the negative impacts of such investments to the host nation and to United States interests;

(B) describe the nature and total funding of United States’ strategic infrastructure investments and construction, such as projects financed through initiatives such as Prosper Africa and the Millennium Challenge Corporation;

(C) assess the national security threats posed by the foreign direct investment gap between China and the United States, including strategic infrastructure, such as ports, market access to, and the security of, critical and strategic minerals, digital and telecommunications infrastructure, threats to the supply chains, and general favorability towards the PRC and the United States among the populations of host countries;

(D) assess the opportunities and challenges for companies based in the United States and allied countries to invest in foreign strategic infrastructure projects in countries where the PRC has focused these types of investments; and

(E) identify challenges and opportunities for the United States Government and
United States partners and allies to more directly finance and otherwise support foreign strategic infrastructure projects, including an assessment of the authorities and capabilities of United States agencies, departments, public-private partnerships, and international or multilateral organizations to support such projects without undermining United States businesses to support foreign, large-scale, strategic infrastructure projects, such as roads, power grids, and ports; and
(5) develop strategic infrastructure projects, with one each in the Western Hemisphere, Africa, and Asia, that are needed, but have not yet been initiated.
(3) In the case of a covered employee under this section.
"Sec. 1262A. Sense of Congress.
(1) RESPONSIBILITY.—The cost of returning supporting documents to an individual as described in subsection (a) shall be the responsibility of the individual.
(2) PAYMENT.—The Secretary to the individual by the Secretary for returning supporting documents as described in subsection (a) shall be the sum of—
(A) the mileage charge paid in accordance with subsection (b); and
(B) the estimated cost of processing the return of the supporting documents.
(3) REPORT.—The Secretary shall submit a report to the appropriate congressional committees that describes—
(A) the costs included in the processing fee charged by the United States Postal Service for the service; and
(B) the estimated cost of processing the return of the supporting documents.
SEC. 5716. REPORT ON DISTRIBUTION OF PERSONNEL AND FUNDS RELATED TO ORDERED DEPARTURES AND POST CLOSURES
Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that describes—
(1) how Department personnel and resources dedicated to Mission Afghanistan were reallocated following the closure of diplomatic posts in Afghanistan in August 2021; and
(2) the extent to which Department personnel and resources for Mission Iraq were reallocated following the departure of United States diplomatic posts in March 2020, and how such resources were reallocated.
SEC. 5717. ELIMINATION OF OBSOLETE REPORTS
SEC. 5718. DISTRIBUTION OF PROGRAMS VISA SERVICES COST RECOVERY PROPOSAL
The Secretary of State may—
(1) provide parking services, including electric vehicle charging and other parking services, at facilities operated by or for the Department; and
(2) charge fees for such services that may be deposited into the appropriate account of the Department: Provided, That such fees shall be the responsibility of the individual.
SEC. 5719. MODIFICATIONS TO SANCTIONS WITH RESPECT TO HUMAN RIGHTS VIOLATIONS
(a) Sense of Congress.—(1) In general.—The Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10101 et seq.) is amended by inserting after section 1262 the following:
"Sec. 1262A. SENSE OF CONGRESS.
(1) In general.—The Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10101 et seq.) is amended by inserting after section 1262 the following:
"Sec. 1262A. SENSE OF CONGRESS.
(2) Clerical amendment.—The table of contents in section 2(b) of division A of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is each amended by inserting after the items relating to section 1262 the following:
"Sec. 1262A. Sense of Congress.
(b) Imposition of Sanctions.—
SEC. 5720. REPORT ON COUNTERING THE ACTIVITIES OF MALIGN ACTORS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury and the Administrator, shall submit to the Select Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives regarding United States diplomatic efforts in Africa in achieving United States policy goals and countering the activities of malign actors.

(b) ELEMENTS.—The report required under paragraph (1) shall include—

(A) case studies from Mali, Sudan, the Central African Republic, the Democratic Republic of the Congo, and South Sudan, with the goal of assessing the effectiveness of diplomatic tools during the 5-year period ending on the date of the enactment of this Act; and

(B) an assessment of—

(i) the extent and effectiveness of certain diplomatic tools to advance United States priorities in the respective case study countries, including—

(I) in-country diplomatic presence;

(II) humanitarian and development assistance;

(III) support for increased 2-way trade and investment;

(IV) United States security assistance;

(V) public diplomacy; and

(VI) accountability measures, including sanctions;

(ii) whether the use of the diplomatic tools described in clause (i) achieved the diplomatic ends for which they were intended; and

(iii) the means by which the Russian Federation and the People’s Republic of China exploited any openings for diplomatic engagement in the case study countries.

(b) FORM.—The report required under subsection (b) shall be submitted in classified form.

(c) CLASSIFIED BRIEFING REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary and the Administrator shall jointly brief Congress regarding the report required under subsection (b).

TITLE LVIII—EXTENSION OF AUTHORITIES

SEC. 5801. CONSULTING SERVICES.

Any consulting services through procurement contracts shall be limited to contracts in which such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 5802. DIPLOMATIC FACILITIES.

For the purposes of calculating the costs of providing diplomatic facilities in any fiscal year, in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 2151b(e)), in the case of the Department of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares for such fiscal year in a manner that is proportional to the contribution of the Department of State for this purpose.

SEC. 5803. EXTENSION OF EXISTING AUTHORITY.

(a) EXTENSION OF AUTHORITIES.—

(1) PASSPORT FEES.—Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 2182(b)) shall be applied on a temporary basis, subject to the fiscal year, in a manner that is proportional to the contribution of the Department of State for this purpose.

(b) PROGRAMS AUTHORITY.—Section 824 of the Foreign Service Act of 1980 (22 U.S.C. 2151b) shall be applied by striking “September 30, 2010” and inserting “September 30, 2024.”

(c) REPORT.—The report required under section 116(b)(1) of the Supplemental appropriations Act, 2009 (Public Law 111–32) shall be applied by striking “of this section after September 30, 2014,” and inserting “September 30, 2024.”

(d) LOCALITY-BASED COMPARES.—Section 112(b)(5) of the Supplemental appropriations Act, 2009 (Public Law 111–32) shall be amended by striking “September 30, 2024,” and inserting “September 30, 2024.”


SEC. 5804. WAR RESERVES STOCKPILE AND MILITARY TRAINING REPORT.

(a) EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.—Section 12001(a)(3) of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–287, 118 Stat. 1101) is amended by striking “of this section” and all that follows through the period at the end and inserting “of this section after September 30, 2024”.

(b) ANNUAL FOREIGN MILITARY TRAINING REPORT.—

(1) IN GENERAL.—For the purposes of implementing section 656 of the Foreign Assistance Act of 1961 (22 U.S.C. 2161), the term “executive officer, military training program, and military personnel by the Department of Defense and the Department of State” shall be
deemed to include all military training provided by foreign governments with funds appropriated to the Department of Defense or the Department of State, except for training provided by the Defense of a country designated under section 517(b) of such Act (22 U.S.C. 2321(b)) as a major non-North Atlantic Treaty Organization ally. Such third-country personnel may be United States citizens, with national recognition if the Commission considers necessary;

(2) defined as the ‘‘Commission’’).

the Department of State (referred to in this Act’’.

Modernization of the Department of State

the House of Representatives; and

the Senate;

means—

composed of 10 members, of whom—

in the report submitted pursuant to such section 656.

(2) DISTRIBUTION OF REPORT.—section 656(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2146(e)) is amended to read as follows:

‘‘(e) DEFINED TERM.—In this section, the term ‘‘appropriate congressional committees’’ means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Armed Services of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

(5) the Committee on Appropriations of the House of Representatives; and

(6) the House of Representatives, and the Committee on Foreign Relations of the Senate;

Purposes.—The purposes of the Commission are—

(1) to examine the changing nature of diplomacy in the 21st century and the ways in which the Department and its personnel can modernize to advance the interests of the United States; and

(2) to offer recommendations to the President and Congress related to—

(A) the organizational structure of the Department, including a review of the jurisdictional responsibilities of all of the Department’s regional bureaus (the Bureau of African Affairs, the Bureau of East Asia and Pacific Affairs, the Bureau of European and Eurasian Affairs, the Bureau of Near Eastern Affairs, the Bureau of South and Central Asian Affairs, and the Bureau of Western Hemisphere Affairs);

(B) personnel-related matters, including recruitment, promotion, training, and retention of the Department’s workforce in order to retain the best and brightest personnel and foster effective diplomatic immunity, including measures to strengthen diversity and inclusion to ensure that the Department’s workforce represents all of America;

(C) the Department of State’s infrastructure (domestic and overseas), including infrastructure relating to information technology, transportation, and security;

(D) the link among diplomacy and defense, intelligence, development, commercial, health, law enforcement, and other core United States interests;

(E) core legislation that authorizes United States diplomatic activities, including the Foreign Service Act of 1980 (Public Law 96–465);

(F) related regulations, rules, and processes that define United States diplomatic efforts, including the Foreign Affairs Manual; and

(G) treaties that impact United States overseas presence.

(3) COMPOSITION.—The Commission shall be composed of 10 members, of whom—

(A) 2 members shall be appointed by the President;

(B) 1 member shall be appointed by the chairperson of the Committee on Foreign Relations of the Senate;

(C) 1 member shall be appointed by the ranking member of the Committee on Foreign Relations of the Senate;

(D) 1 member shall be appointed by the chairperson of the Committee on Foreign Affairs of the House of Representatives;

(E) 1 member shall be appointed by the ranking member of the Committee on Foreign Affairs of the House of Representatives;

(F) 1 member shall be appointed by the majority leader of the Senate, who shall serve as co-chair of the Commission;

(G) 1 member shall be appointed by the Speaker of the House of Representatives;

(H) 1 member shall be appointed by the minority leader of the Senate, who shall serve as co-chair of the Commission; and

(I) 1 member shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS; MEETINGS.—

(A) MEMBERSHIP.—The members of the Commission should be prominent United States citizens, with national recognition and significant depth of experience in international relations and with the Department.

(B) POLITICAL PARTY AFFILIATION.—Not more than 4 Commission members may be from the same political party.

(C) MEETINGS.—

(i) INITIAL MEETING.—Not later than 45 days after the date of the enactment of this Act, the Commission shall hold its first meeting and begin operations as soon as practicable.

(ii) FREQUENCY.—The Commission shall meet at the call of the co-chairs.

(iii) QUORUM.—Six members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(D) VACANCIES.—Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner as the original appointment.

(e) FUNCTIONS OF COMMISSION.—

(1) IN GENERAL.—The Commission shall act by resolution agreed to by a majority of the members of the Commission voting and present.

(2) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission. The actions of any such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel may not be considered the findings and determinations of the Commission unless such findings and determinations are approved by the Commission.

(3) DELEGATION.—Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this section.

(f) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission or any panel or member of the Commission, as delegated by the co-chairs, may, for the purpose of carrying out this section—

(A) hold such hearings and meetings, take such testimony, receive such evidence, and administer oaths as the Commission or such designated subcommittee or designated member considers necessary;

(B) require the attendance and testimony of such persons, the production of such correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member considers necessary; and

(C) subject to applicable privacy laws and relevant regulations, secure directly from the Department, USAID, the United States International Development Finance Corporation, the Millennium Challenge Corporation, the Peace Corps, Trade Development Agency, the USAID Global Media information and data necessary to enable it to carry out its mission, which shall be provided not later than 30 days after the Commission provides a written request for such information and data.

(2) CONTRACTS.—The Commission, to such extent that is in such amounts that are provided in appropriations Acts, may enter into contracts to enable the Commission to discharge its duties under this section.

(3) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or intramural entity of the Government, information, suggestions, estimates, and statistics for the purposes of this section.

(B) FILING.—Information may only be received, handled, stored, and disseminated by members of the Commission and its staff in accordance with all applicable statutes, regulations, and Executive orders.

(4) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) SECRETARY OF STATE.—The Secretary shall provide to the Commission, on a non-reimbursable basis, such services, staff, and other support services as are necessary for the performance of the Commission’s duties under this section.

(B) OTHER DEPARTMENTS AND AGENCIES.—Other Federal departments and agencies may provide the Commission such services, staff, and other support services as are necessary for the performance of the Commission’s duties under this section.

(6) CONGRESSIONAL CONSULTATION.—Not less frequently than quarterly, the Commission shall provide a briefing to the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives regarding the work of the Commission.

(7) STAFF AND COMPENSATION.—

(A) COMPENSATION.—The co-chairs of the Commission, in accordance with rules established by the Commission, shall appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and without regard to the provisions of chapter 33 or chapter 51 of title 5, United States Code relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.
SEC. 10101. MODERNIZING TAIWAN’S SECURITY CAPABILITIES TO DETER AND, IF NECESSARY, DEFEND TAIWAN AGAINST AGGRESSION BY THE PEOPLE’S REPUBLIC OF CHINA.

(a) TAIWAN SECURITY PROGRAMS.—The Secretary of State, in consultation with the Secretary of Defense, shall use the authorities under this section to strengthen the United States-Taiwan defense relationship, and to support the acceleration of the modernization of Taiwan’s defense capabilities, consistent with the Taiwan Relations Act (Public Law 95–554).”

(b) PURPOSE.—In addition to the purposes otherwise authorized for Foreign Military Financing under the Arms Export Control Act (22 U.S.C. 2751 et seq.), a purpose of the Foreign Military Financing Program should be to provide assistance, including equipment, training, and other support, to build the civilian and defensive military capabilities of Taiwan.

(1) to accelerate the modernization of self-defense capabilities that will enable Taiwan to delay, degrade, and deny attempts by People’s Liberation Army forces—

(b) to blockade Taiwan; or

(2) to secure a lodgment on any islands administered by Taiwan; or otherwise use such lodgment to seize control of a population center or other key territory in Taiwan; and

(i) to prevent the People’s Republic of China from decapitating, seizing control of, or otherwise neutralizing or rendering ineffective Taiwan’s civilian and defense leadership.

(d) REGIONAL CONTINGENCY STOCKPILE.—Of the amounts authorized to be appropriated pursuant to subsection (g), not more than $100,000,000 may be used during each of the fiscal years 2023 through 2025 to maintain a stockpile (if established under section 10002), in accordance with section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), as amended by section 10002.

(e) AVAILABILITY OF FUNDS.—(1) ANNUAL SPENDING PLAN.—Not later than March 1, 2023, and annually thereafter, the Secretary of State, in coordination with the Secretary of Defense, shall submit a plan to the appropriate committees of Congress describing how amounts authorized pursuant to subsection (g), if made available, would be used to achieve the purposes described in subsection (b).

(2) CERTIFICATION.—(A) IN GENERAL.—Amounts authorized to be appropriated for each fiscal year pursuant to subsection (g) are authorized to be made available after the Secretary of State, in coordination with the Secretary of Defense, certifies not less than annually to the appropriate committees of Congress that Taiwan has increased its defense spending relative to Taiwan’s defense spending in its prior fiscal year, which may include support for an asymmetric strategy, excepting accounts in Taiwan’s defense budget related to personnel expenditures, (other than military training and education and any funding related to the All-Out Defense Mobilization Agency).

(b) WAIVER.—The Secretary of State may waive the certification requirement under subparagraph (A) if the Secretary, in consultation with the Secretary of Defense, certifies to the appropriate committees of Congress that—

(1) to accelerate the modernization of self-defense capabilities that will enable Taiwan to delay, degrade, and deny attempts by People’s Liberation Army forces—

(ii) to blockade Taiwan; or

(2) to secure a lodgment on any islands administered by Taiwan; or otherwise use such lodgment to seize control of a population center or other key territory in Taiwan; and

(ii) to prevent the People’s Republic of China from decapitating, seizing control of, or otherwise neutralizing or rendering ineffective Taiwan’s civilian and defense leadership.

(3) REMAINING FUNDS.—Amounts authorized pursuant to subsection (g), not more than $100,000,000 may be used during each of the fiscal years 2023 through 2025 to maintain a stockpile (if established under section 10002), in accordance with section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), as amended by section 10002.

(4) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided access to classified information under this section without the appropriate security clearances to the extent provided for by section 5315 of title 5, United States Code.
(B) the Committee on Armed Services of the Senate;
(c) the Committee on Foreign Affairs of the House of Representatives; and
(d) the Committee on Armed Services of the House of Representatives.

(2) INITIAL REPORT.—Concurrently with the first certification required under subsection (d)(2), the Secretary of State and the Secretary of Defense shall jointly submit a report to the appropriate congressional committees that describes steps taken to enhance Taiwan’s defense against the People’s Republic of China, including the steps that Taiwan has taken and the steps that Taiwan has not taken towards such implementation;

(B) an assessment of the efforts of Taiwan to acquire and employ within its forces counterintervention capabilities, including—

(1) the steps taken by Taiwan in the event of a conflict scenario; and

(2) the strengths and weaknesses of Taiwan’s defense capabilities.

(C) the Committee on Foreign Affairs of the House of Representatives; and

(2) LOAN GUARANTEES.—

(A) IN GENERAL.—Amounts authorized to be appropriated pursuant to subsection (g) may be made available for the costs of loan guarantees for Taiwan under section 24 of the Arms Export Control Act (22 U.S.C. 2764) for Taiwan to subsidize gross obligations for the principal amount of commercial loans and commercial credits made to Taiwan under paragraph (1), the Secretary of State and the Secretary of Defense shall jointly submit updates to the initial report required under paragraph (2) that provides a description of changes and developments that occurred subsequent to paragraph (A) through (J); and

(L) a description of any resistance in Taiwan to—

(1) implementing the matters described in subparagraphs (A) through (I); or

(2) the efforts made by Taiwan to address such shortcomings;

(3) an assessment of the efforts made by Taiwan to boost its civilian defenses, including any informational campaigns to raise awareness among the population of Taiwan of the risks Taiwan faces;

(A) IN GENERAL.—Notwithstanding section 230(c)(1) of the Arms Export Control Act (22 U.S.C. 2764a(c)(1)), the Secretary of State may authorize the Secretary of the Treasury, the Secretary of Commerce, or the Administrator of the Export-Import Bank of the United States to make direct loans available for Taiwan pursuant to section 23 of such Act.

(V) such shortages;

(2) TRAINING AND EDUCATION.—Of the amounts authorized to be appropriated under subparagraph (A), which shall be collected from borrowers, or from third parties on behalf of such borrowers, through a financing account (as defined in section 502(7) of the Congressional Budget Act of 1974 (2 U.S.C. 61a(7)).

(B) M AXIMUM OBLIGATIONS.—Gross obligations for the principal amount of loans authorized under subparagraph (A) may not exceed $2,000,000,000.

(H) a description of any resistance in Taiwan to securing its critical infrastructure,

(B) M AXIMUM OBLIGATIONS.—Gross obligations for the principal amount of loans authorized under subparagraph (A) may not exceed $2,000,000,000.

(B) M AXIMUM OBLIGATIONS.—Gross obligations for the principal amount of loans authorized under subparagraph (A), which shall be collected from borrowers, or from third parties on behalf of such borrowers, through a financing account (as defined in section 502(7) of the Congressional Budget Act of 1974 (2 U.S.C. 61a(7)).

(V) such shortages;

(2) TRAINING AND EDUCATION.—Of the amounts authorized to be appropriated under subparagraph (A), which shall be collected from borrowers, or from third parties on behalf of such borrowers, through a financing account (as defined in section 502(7) of the Congressional Budget Act of 1974 (2 U.S.C. 61a(7)).

(F) INTEREST.—

For expenses incurred by the United States as a result of the sale of the loan, including—

(2) loans made pursuant to subparagraph (A) shall be repaid not later than 12 years after the loan is received by the borrower, including a grace period of not more than 1 year on repayment of principal.

(E) REFUND.—Loans made pursuant to subparagraph (A) may utilize such funds for the procurement by Taiwan of any significant gaps in the military of Taiwan, including in the reserve forces;

(2) the impact of such shortages in the event of a conflict scenario; and

(3) the sufficiency of the financial and budgetary resources Taiwan is putting to ward readiness of such forces;

(2) the extent to which such training is realistic to the security environment that Taiwan faces; and

(3) the sufficiency of the financial and budgetary resources Taiwan is putting to ward readiness of such forces;

(2) the extent to which such training is realistic to the security environment that Taiwan faces; and

(3) the sufficiency of the financial and budgetary resources Taiwan is putting to ward readiness of such forces;

(2) the extent to which such training is realistic to the security environment that Taiwan faces; and

(3) the sufficiency of the financial and budgetary resources Taiwan is putting to ward readiness of such forces;

(2) the extent to which such training is realistic to the security environment that Taiwan faces; and

(3) the sufficiency of the financial and budgetary resources Taiwan is putting to ward readiness of such forces;
Taiwan of defense articles and defense services, including research and development, as agreed by the United States and Taiwan.

(b) SUNSET PROVISION.—Assistance may not be continued under this section after September 30, 2032.

SEC. 10102. INCREASE IN ANNUAL REGIONAL CONTINGENCY STOCKPILE ADDITION AUTHORITY FOR TAIWAN

(a) IN GENERAL.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting “$500,000,000” and all that follows, inserting “$500,000,000 for any of the fiscal years 2023, 2024, or 2025,”.

(b) VESTED.—Subject to section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President may establish a regional contingency stockpile for Taiwan that consists of munitions and other appropriate defense articles.

(c) INCLUSION OF TAIWAN AMONG OTHER ALLIES ELIGIBLE FOR DEFENSE ARTICLES.—Chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) is amended—

(1) in section 514(c)(2) (22 U.S.C. 2321h(c)(2)), by inserting “Taiwan,” after “Thailand,”; and

(2) in section 516(c)(2) (22 U.S.C. 2321l(c)(2)), by inserting “to Taiwan,” after “major non-NATO allies on such eastern and southeastern global alliances”.

(d) ANNUAL BRIEFING.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 7 years, the President shall provide a briefing to the appropriate committees of Congress regarding the status of a regional contingency stockpile established under subsection (b).

SEC. 10103. INTERNATIONAL MILITARY EDUCATION AND TRAINING COOPERATION WITH TAIWAN.

The Secretary of State is authorized to provide education and training to relevant entities in Taiwan through the International Military Education and Training program (22 U.S.C. 2347 et seq.).

SEC. 10104. ADDITIONAL AUTHORITIES TO SUPPORT TAIWAN.

(a) DRAWDOWN AUTHORITY.—Section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2281a(a)) is amended—

(1) in subsection (a), by striking “an additional drawdown” and inserting “an additional drawdown of $1,000,000,000 per fiscal year, to be provided to Taiwan.”;

(2) in subsection (c) (22 U.S.C. 2281c), by inserting “Taiwan,” after “Thailand,”; and

(3) in subsection (l) (22 U.S.C. 2281l), by inserting “Taiwan,” after “Thailand,”.

(b) EMERGENCY AUTHORITY.—Section 552(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2284c(a)(c)) is amended, at the end of the section, by striking “$200,000,000” and all that follows, inserting “$200,000,000” and all that follows, inserting “$200,000,000 for any of the fiscal years 2023, 2024, or 2025,”.

(c) VESTED.—Subject to section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President may establish a regional contingency stockpile for Taiwan that consists of munitions and other appropriate defense articles.

(d) INCLUSION OF TAIWAN AMONG OTHER ALLIES ELIGIBLE FOR DEFENSE ARTICLES.—Chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) is amended—

(1) in section 514(c)(2) (22 U.S.C. 2321h(c)(2)), by inserting “$1,000,000,000” and all that follows, inserting “$1,000,000,000 for any of the fiscal years 2023, 2024, or 2025,”.

SEC. 10105. MULTI-YEAR PLAN TO FULFILL DEFENSIVE REQUIREMENTS OF MILITARY AND INTELLIGENCE SUPPORT.

The Secretary of Defense and the Secretary of State shall prepare a multi-year plan to fulfill defensive requirements of military and intelligence support for Taiwan, and the Secretary of Defense shall submit the plan to the appropriate committees of Congress.

SEC. 10106. FAST-TRACKING SALES TO TAIWAN UNDER FOREIGN MILITARY SALES PROGRAM.

(a) PRELIMINARY OF CERTAIN FOREIGN MILITARY SALES ITEMS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary of Defense, and in conjunction with coordinating entities such as the National Disclosure Policy Committee, the Arms Transfer and Technology Coordination Committee, and the Secretary of State, shall compile a list of available and emerging military platforms, technologies, and other appropriate entities, and shall submit the list of available and emerging military platforms, technologies, and other appropriate entities, and shall submit the list of available and emerging military platforms, technologies, and other appropriate entities, shall compile a list of available and emerging military platforms, technologies, and other appropriate entities, shall compile a list of available and emerging military platforms, technologies, and other appropriate entities, which shall be pre-cleared and prioritized for sale and release to Taiwan through the Foreign Military Sales program.

(b) SELECTION OF ITEMS.—

(1) RULE OF CONSTRUCTION.—The list compiled pursuant to paragraph (1) shall not be construed as limiting the type, timing, or quantity of items that may be requested by, or sold to, Taiwan under the Foreign Military Sales program.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to require that the Secretary of Defense provide expedited military assistance to Taiwan during a crisis or conflict, or that the Secretary of Defense or the Secretary of State shall provide expedited military assistance to Taiwan during a crisis or conflict, or that the Secretary of Defense or the Secretary of State shall provide expedited military assistance to Taiwan during a crisis or conflict.

(d) RULE OF CONSTRUCTION.—In addition to authorities available to the Secretary of Defense or the Secretary of State, the President may provide financial and non-financial support to Taiwan in the event of a crisis or conflict, in addition to authorities available to the Secretary of Defense or the Secretary of State, the President may provide financial and non-financial support to Taiwan in the event of a crisis or conflict, in addition to authorities available to the Secretary of Defense or the Secretary of State, the President may provide financial and non-financial support to Taiwan in the event of a crisis or conflict.

(e) RULE OF CONSTRUCTION.—In addition to authorities available to the Secretary of Defense or the Secretary of State, the President may provide financial and non-financial support to Taiwan in the event of a crisis or conflict, in addition to authorities available to the Secretary of Defense or the Secretary of State, the President may provide financial and non-financial support to Taiwan in the event of a crisis or conflict.

(f) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to require that the Secretary of Defense provide expedited military assistance to Taiwan during a crisis or conflict, or that the Secretary of Defense or the Secretary of State shall provide expedited military assistance to Taiwan during a crisis or conflict, or that the Secretary of Defense or the Secretary of State shall provide expedited military assistance to Taiwan during a crisis or conflict.
SEC. 10107. EXPEDITING DELIVERY OF ARMS EXPORTS TO TAIWAN AND UNITED STATES ALLIES IN THE INDO-PACIFIC.

(a) REPORT REQUIRED.—Not later than March 1, 2023, and annually thereafter for a period of 5 years, the Secretary of State, in coordination with the Secretary of Defense, shall transmit to the appropriate committees of Congress, the Select Committee on Intelligence, the Armed Services Committees, and the Committee on Foreign Relations of the Senate, a report pursuant to subsection (a) shall include the following elements:

(1) A list of all approved transfers of defense articles and services authorized by Congress pursuant to sections 25 and 36 of the Arms Export Control Act (22 U.S.C. 2753, 2761, or 2776); or pursuant to the authorities provided by—

(1) section 6 of the Arms Export Control Act (22 U.S.C. 2753, 2761, or 2776); or

(2) section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321c(c)(2)).

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

(1) A description of ongoing interagency efforts to support attainment of operational capabilities and capacity shortfalls of the military forces that have not been fully delivered by the start of the fiscal year in which the report is being submitted.

(2) The estimated start and end dates of delivery for each approved and incomplete transfer listed pursuant to paragraph (1), including additional details and dates for any transfers that involve multiple tranches of deliveries.

(3) With respect to each approved and incomplete transfer listed pursuant to paragraph (1), a detailed description of—

(A) any changes in the delivery dates of defense articles or services relative to the dates anticipated at the time of congressional approval of the transfer, including specific reasons for any delays related to the United States Government, defense suppliers, or a foreign partner;

(B) the feasibility and advisability of providing the partner subject to such delayed delivery with capabilities or solutions identified pursuant to subparagraph (B) and (D) a description of which countries are ahead of Taiwan in delivering LOAs for signature;

(C) whether the United States intends to divert defense articles from United States stocks to provide an interim capability or solution required under subsection (a) shall—

(1) the Committee on Foreign Relations and the Committee on Armed Services of the Senate;

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

(d) Form.—The report required under subsection (b) shall be in an unclassified form but may include a classified annex.

SEC. 10108. ASSESSMENT OF TAIWAN'S NEEDS FOR DEFENSE AND CIVILIAN DEFENSE AND RESILIENCY.

(a) ASSESSMENT REQUIRED.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit a written assessment, with a classified annex, of Taiwan's needs in the areas of civilian defense and resilience to the appropriate committees of Congress, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) MATTERS TO BE INCLUDED.—The assessment required under subsection (a) shall—

(1) analyze the potential role of Taiwan's public and civilian assets in defending against various scenarios for foreign military aggression by the People's Republic of China, including—

(A) greater utilization of Taiwan's high tech labor force;

(B) the creation of clear structures and logistics support for civilian defense role allocation;

(C) recruitment and skills training for Taiwan's defense and civilian sectors; and

(D) other defense needs and considerations at the provincial, city, and neighborhood levels;

(2) analyze Taiwan's needs for enhancing resiliency among its people and in key economic sectors;

(3) identify opportunities for Taiwan to enhance relations at all levels to strengthen trust and understanding between the military, other government departments, civilian agencies and the general public, including—

(A) communications infrastructure necessary to ensure reliable communications in response to a conflict or crisis;

(B) a plan to effectively communicate to the general public in response to a conflict or crisis; and

(c) SHARING OF REPORT.—The assessment required by subsection (a) shall be shared with appropriate officials Taiwan to facilitate cooperation.

SEC. 10109. ANNUAL REPORT ON TAIWAN DEFENSIVE MILITARY CAPABILITIES AND INTELLIGENCE SUPPORT.

Section 1248 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1988) is amended to read as follows:

SEC. 1248. ANNUAL REPORT ON TAIWAN CAPABILITIES AND INTELLIGENCE SUPPORT.

(a) IN GENERAL.—The Secretary of State and the Secretary of Defense, in coordination with the heads of other relevant Federal departments and agencies, shall jointly each year submit to the Committees on Appropriations of the House of Representatives.

(b) MATTERS TO BE INCLUDED.—The assessment required under subsection (a) shall—

(1) the Committee on Foreign Relations and the Committee on Armed Services of the Senate;

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

(c) SHARING OF REPORT.—The assessment required by subsection (a) shall be shared with appropriate officials Taiwan to facilitate cooperation.
(ii) the associated investment costs of enabling expanded production for items currently at maximum production;
(iii) the associated investment costs of, or mitigation strategies for, enabling export for items currently not exportable; and
(iv) existing stocks of such capabilities in the United States and allied and partner countries.

(B) the feasibility and advisability of producing solutions to such gaps and shortfalls through United States allies and partners, including through co-development or co-production;
(C) the feasibility and advisability of assisting Taiwan in the domestic production of solutions to capability gaps, including through—
(i) the transfer of intellectual property; and
(ii) co-development or co-production arrangements;
(D) the estimated costs, expressed in a range of options, of procuring sufficient capacities and capacities to address such gaps and shortfalls;
(E) an assessment of the relative priority assigned by appropriate officials of Taiwan to each such gap and shortfall; and
(F) a detailed explanation of the extent to which Taiwan is prioritizing the development, production, or fielding of solutions to such gaps and shortfalls within its overall defense budget.

(7) The applicability of Department of State and Department of Defense authorities for improving the defensive military capabilities of Taiwan in a manner consistent with the Taiwan Relations Act.

(8) A description of any security assistance provided or Foreign Military Sales and Direct Commercial Sales activity with Taiwan on the date of the enactment of this Act.

(9) A description of each engagement between the United States and Taiwan personnel related to planning over the past year.

(10) With respect to each to training and exercises—
(A) a description of each such instance over the past year;
(B) a description of how each such instance—
(i) sought to achieve greater interoperability, improved readiness, joint planning capability, and shared situational awareness between the United States and Taiwan, or among the United States, Taiwan, and other countries;
(ii) familiarized the militaries of the United States and Taiwan with each other; and
(iii) improved Taiwan's defense capabilities.

(11) A description of the areas and means through which the United States is assisting and supporting training, exercises, and assistance to support Taiwan's requirements related to civilian defense and resilience, and how that assistance is enabling to assist Taiwan in addressing any critical gaps where capacity falls short of meeting such requirements, including those elements identified in the assessment required by section 10100 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023.

(12) An assessment of the implications of current U.S. government assistance in the form of war reserve material on the ability of the United States to respond to a crisis or conflict involving Taiwan with respect to—
(A) providing military or non-military aid to Taiwan; and
(B) sustaining military installations and other infrastructure of the United States in the Indo-Pacific Region.

(13) An assessment of the current intelligence, surveillance, and reconnaissance capabilities of Taiwan, including any existing gaps in such capabilities and investments in such capabilities by Taiwan since the preceding report.

(14) A summary of changes to pre-positioned war reserve material of the United States in the Indo-Pacific region since the preceding report.

(15) Another matter the Secretary of Defense or the Secretary of State considers appropriate.

(16) PLAN.—The Secretary of Defense and the Secretary of State shall jointly develop a plan for assisting Taiwan in improving its defensive military capabilities and addressing vulnerabilities identified pursuant to subsection (b).

(1) recommendations, if any, for new Department of State or Department of Defense authorities, or modifications to existing Department of State or Department of Defense authorities, necessary to improve the defensive military capabilities of Taiwan in a manner consistent 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 with China and its military and civilian counterparts in Taiwan; and
(3) an identification of challenges and opportunities for leveraging authorities, resources, and capabilities outside the Department of Defense and the Department of State to improve the defensive capabilities of Taiwan in accordance with the Taiwan Relations Act.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through fiscal year 2027, the Secretary of State and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report on the results of the assessment required by subsection (a).

(c) the plan required by subsection (b); and
(d) a report on—

(1) the status of efforts to develop and implement the joint multi-year plan required under section 10007 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 to provide for the acquisition of appropriate defensive military capabilities by Taiwan and to engage with Taiwan in a series of combined training and planning activities consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.); and
(2) any other matters the Secretary considers necessary.

(d) FORM.—The reports required by subsection (c) shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—The term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate;

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

TITLE II—COUNTERING PEOPLE'S REPUBLIC OF CHINA COERCION AND INFLUENCE OPERATIONS
SEC. 10201. STRATEGY TO RESPOND TO INFLUENCE AND INFORMATION OPERATIONS TARGETING TAIWAN.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a description of the strategy being used by the Department of State to respond to the Government of the People's Republic of China's efforts to turn Taiwans public and private-sector entities to support the Chinese Communist Party, or affiliated entities; and

(b) ELEMENTS.—The strategy required under subsection (a) shall include—

(1) the proposed response to propaganda and disinformation campaigns by the People's Republic of China and cyber-intrusions targeting Taiwan, including—
(A) assistance in building the capacity of Taiwan's public and private-sector entities to document and expose propaganda and disinformation supported by the Government of the People's Republic of China, the Chinese Communist Party, or affiliated entities;
(B) assistance to enhance Taiwan's ability to develop a holistic strategy to respond to sharp power operations, including election interference; and
(C) training for Taiwan officials and other Taiwan entities targeted by disinformation campaigns;

(2) the proposed response to political influence operations that seek to disrupt or exploit the extent of influence exerted by the Government of the People's Republic of China and the Chinese Communist Party in Taiwan and local political parties, financial institutions, media organizations, and other entities;

(3) support for exchanges and other exchanges with organizations that are subject to coercive economic practices by the People's Republic of China; and

(4) programs carried out by the Global Engagement Center to expose misinformation and disinformation in the Chinese Communist Party's propaganda.

SEC. 10202. STRATEGY TO COUNTER ECONOMIC COERCION BY THE PEOPLE'S REPUBLIC OF CHINA TARGETING COUNTRIES AND ENTITIES THAT SUPPORT TAIWAN.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a description of the strategy being used by the Department of State to respond to the Government of the People's Republic of China's increased pressure, including economic coercion, against countries which have strengthened their ties with, or support for, Taiwan.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—The term "appropriate committees of Congress" means—

(1) the Committee on Foreign Affairs of the Senate; and

(2) the Committee on Appropriations of the House of Representatives;
(A) oversee the development and execution of an integrated Federal Government strategy to monitor and address the impacts of efforts directed, or directly supported, by the People's Republic of China to censor or intimidate, in the United States or in any of its possessions or territories, any United States person, including United States allies and partners facing similar challenges of censorship and intimidation directed or directly supported by the Government of the People's Republic of China; or

(ii) the results of the activities referred to in clause (ii) and the impact of such activities on the national interests of the United States.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Task Force shall provide briefings to the appropriate congressional committees regarding the activities of the Task Force to execute the strategy developed pursuant to paragraph (2)(A).

(d) SUNSET.—This section shall terminate on the date that is 5 years after the date of enactment of this Act.

TITLE III—INCLUSION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS

SEC. 10301. PARTICIPATION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS.

(a) STATEMENT OF POLICY.—It is the policy of the United States to promote Taiwan's meaningful participation in international organizations.

(b) SUPPORT FOR MEANINGFUL PARTICIPATION.—The Permanent Representative of the United States to the United Nations and other relevant United States officials shall actively support Taiwan's meaningful participation in all appropriate international organizations.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate committees of Congress that—

(i) describes the People's Republic of China's efforts to direct or directly support censorship and intimidation of United States persons, including United States companies that conduct business in the People's Republic of China, which are exercising their right to freedom of speech; and

(2) QUALIFIED RESEARCH ENTITY.—The term "qualified research entity" means an entity that—

(i) the strategic objectives and policies pursued by the Task Force to address the challenges of censorship and intimidation in the United States or any of its possessions or territories, which is directed or directly supported by the Government of the People's Republic of China; and

(ii) exercise any financial, commercial, or technical control over an enterprise, or have a conflict of interest, with—

(iii) relevant stakeholders in the private sector and the media; and

(iv) any company or entity incorporated outside of the People's Republic of China that is believed to have a substantial financial or commercial interest in the People's Republic of China;

(b) CHINA CENSORSHIP MONITOR AND ACTION GROUP.—

(A) Appoint the chair of the Task Force from among the staff of the National Security Council.

(B) Appoint the vice chair of the Task Force from among the staff of the National Economic Council.

(C) Direct the head of each of the following executive branch agencies to appoint personnel to participate in the Task Force:

(i) The Department of State.

(ii) The Department of Commerce.

(iii) The Department of the Treasury.

(iv) The Department of Justice.

(v) The Office of the United States Trade Representative.

(vi) The Office of the Director of National Intelligence, and other appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 403)).

(vii) The United States Agency for Global Media.

(viii) Other agencies designated by the President.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) the Committee on Appropriations of the Senate; and

(ii) relevant stakeholders in the private sector and the media; and

(iii) the leadership of the Department of Defense; and

(iv) the Office of the Director of National Intelligence; and

(v) other appropriate Federal agencies.

(2) SUBMISSION OF REPORT.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary of State shall submit a report written by the qualified research entity selected pursuant to paragraph (1)(A) to the appropriate congressional committees.

(B) Publication.—The report referred to in subparagraph (A) shall be made accessible to the public online through relevant United States Government websites.

(C) APPlicability TO UNITED STATES allIES anD PARTneRS.—To the extent practicable, the report required under subparagraph (A) should identify implications and policy recommendations that are relevant to United States allies and partners facing censorship and intimidation directed or directly supported by the Government of the People's Republic of China.

(1) describes the People's Republic of China's efforts to direct or directly support censorship and intimidation of United States persons, including United States companies that conduct business in the People's Republic of China, which are exercising their right to freedom of speech; and

(ii) assess, including through the use of illustrative examples, as appropriate, the impact on United States persons, including United States companies that conduct business in the People's Republic of China, that criticisms—

(i) the Committee on Foreign Relations;

(ii) the Chinese Communist Party; and

(iii) the Government of the People's Republic of China to limit freedom of expression in the private sector, including media, social media, film, education, travel, financial services, sports and entertainment, technology, telecommunication, and internet infrastructure interests.

(iii) the Chinese Communist Party.

(2) CHINA CENSORSHIP MONITOR AND ACTION GROUP.—

(A) Appoint the chair of the Task Force

(B) Appoint the vice chair of the Task Force

(C) Direct the head of each of the following agencies to appoint personnel to participate in the Task Force:

(i) The Department of State.

(ii) The Department of Commerce.

(iii) The Department of the Treasury.

(iv) The Department of Justice.

(v) The Office of the United States Trade Representative.

(vi) The Office of the Director of National Intelligence, and other appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 403)).

(vii) The United States Agency for Global Media.

(viii) Other agencies designated by the President.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) define the People's Republic of China to limit freedom of expression in the private sector, including media, social media, film, education, travel, financial services, sports and entertainment, technology, telecommunication, and internet infrastructure interests.

(B) Appoint the vice chair of the Task Force.

(C) Direct the head of each of the following agencies to appoint personnel to participate in the Task Force:

(i) The Department of State.

(ii) The Department of Commerce.

(iii) The Department of the Treasury.

(iv) The Department of Justice.

(v) The Office of the United States Trade Representative.

(vi) The Office of the Director of National Intelligence, and other appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 403)).

(vii) The United States Agency for Global Media.

(viii) Other agencies designated by the President.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) define the People's Republic of China to limit freedom of expression in the private sector, including media, social media, film, education, travel, financial services, sports and entertainment, technology, telecommunication, and internet infrastructure interests.

(B) Appoint the chair of the Task Force from among the staff of the National Security Council.

(C) Direct the head of each of the following executive branch agencies to appoint personnel to participate in the Task Force:

(i) The Department of State.

(ii) The Department of Commerce.

(iii) The Department of the Treasury.

(iv) The Department of Justice.

(v) The Office of the United States Trade Representative.

(vi) The Office of the Director of National Intelligence, and other appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 403)).

(vii) The United States Agency for Global Media.

(viii) Other agencies designated by the President.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) define the People's Republic of China to limit freedom of expression in the private sector, including media, social media, film, education, travel, financial services, sports and entertainment, technology, telecommunication, and internet infrastructure interests.

(B) Appoint the chair of the Task Force from among the staff of the National Security Council.

(C) Direct the head of each of the following executive branch agencies to appoint personnel to participate in the Task Force:

(i) The Department of State.

(ii) The Department of Commerce.

(iii) The Department of the Treasury.

(iv) The Department of Justice.

(v) The Office of the United States Trade Representative.

(vi) The Office of the Director of National Intelligence, and other appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 403)).

(vii) The United States Agency for Global Media.

(viii) Other agencies designated by the President.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) define the People's Republic of China to limit freedom of expression in the private sector, including media, social media, film, education, travel, financial services, sports and entertainment, technology, telecommunication, and internet infrastructure interests.

(B) Appoint the chair of the Task Force from among the staff of the National Security Council.

(C) Direct the head of each of the following executive branch agencies to appoint personnel to participate in the Task Force:

(i) The Department of State.

(ii) The Department of Commerce.

(iii) The Department of the Treasury.

(iv) The Department of Justice.

(v) The Office of the United States Trade Representative.

(vi) The Office of the Director of National Intelligence, and other appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 403)).

(vii) The United States Agency for Global Media.

(viii) Other agencies designated by the President.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) define the People's Republic of China to limit freedom of expression in the private sector, including media, social media, film, education, travel, financial services, sports and entertainment, technology, telecommunication, and internet infrastructure interests.

(B) Appoint the chair of the Task Force from among the staff of the National Security Council.

(C) Direct the head of each of the following executive branch agencies to appoint personnel to participate in the Task Force:

(i) The Department of State.

(ii) The Department of Commerce.

(iii) The Department of the Treasury.

(iv) The Department of Justice.

(v) The Office of the United States Trade Representative.

(vi) The Office of the Director of National Intelligence, and other appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 403)).

(vii) The United States Agency for Global Media.

(viii) Other agencies designated by the President.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) define the People's Republic of China to limit freedom of expression in the private sector, including media, social media, film, education, travel, financial services, sports and entertainment, technology, telecommunication, and internet infrastructure interests.
other international bodies to block Taiwan’s meaningful participation and inclusion; and
(2) recommends appropriate responses that should be taken by the United States to carry out the policy described in subsection (a).
(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘‘appropriate committees of Congress’’ means—
(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on Armed Services of the Senate;
(3) the Committee on Appropriations of the Senate;
(4) the Committee on Foreign Affairs of the House of Representatives;
(5) the Committee on Armed Services of the House of Representatives; and
(6) the Committee on Appropriations of the House of Representatives.
SEC. 10302. MEANINGFUL PARTICIPATION OF TAIWAN IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.
(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the International Civil Aviation Organization (ICAO) should allow Taiwan to meaningfully participate in the organization, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, and mechanisms; and
(2) Taiwan is a global leader and hub for international aviation, with a range of expertise, information, and resources and the fifth busiest airport in Asia (Taoyuan International Airport), and its meaningful participation in ICAO would significantly enhance the ability of ICAO to ensure the safety and security of global aviation;
(b) PLAN FOR TAIWAN’S MEANINGFUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.—The Secretary of State, in coordination with the Secretary of Commerce and the Secretary of Transportation, is authorized—
(1) to initiate a United States plan to secure Taiwan’s meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, and mechanisms; and
(2) to instruct the United States representative to the ICAO to—
(A) use the voice and vote of the United States to ensure Taiwan’s meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, and mechanisms;
(B) seek to secure a vote at the next ICAO triennial assembly session on the question of Taiwan’s participation in that session.
(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘‘appropriate committees of Congress’’ means—
(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on Armed Services of the Senate;
(3) the Committee on Appropriations of the Senate;
(4) the Committee on Foreign Affairs of the House of Representatives;
(5) the Committee on Armed Services of the House of Representatives; and
(6) the Committee on Appropriations of the House of Representatives.
SEC. 10401. REPUBLICAN TRAVEL ACT.
(a) LIST OF HIGH-LEVEL VISITS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of State, in accordance with the Taiwan Travel Act (Public Law 115–135), shall submit to the appropriate committees of Congress—
(1) a list of high-level officials of Taiwan who have entered the United States;
(b) ANNUAL REPORT.—
(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for the following 4 years, the Secretary of State shall submit a report on the implementation of the Taiwan Travel Act, including a discussion of its positive effects on United States interests in that region, to the appropriate committees of Congress.
(2) FORM.—The report required under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.
(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘‘appropriate committees of Congress’’ means—
(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on Armed Services of the Senate;
(3) the Committee on Appropriations of the Senate;
(4) the Committee on Foreign Affairs of the House of Representatives;
(5) the Committee on Armed Services of the House of Representatives; and
(6) the Committee on Appropriations of the House of Representatives.
SEC. 10402. AMENDMENTS TO THE TAIWAN ALLIES INTERNATIONAL PROTECTION AND ENFORCEMENT INITIATIVE (TAIPEI) ACT OF 2019.
The Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act of 2019 (Public Law 116–135) is amended—
(1) in section 2(5), by striking ‘‘and Kiribati’’ and inserting ‘‘Kiribati, and Nicaragua,’’;
(2) in section 4—
(A) in the matter preceding paragraph (1), by striking ‘‘shall be’’ and inserting ‘‘is’’;
(B) in paragraph (2), by striking ‘‘and’’ at the end;
(C) in paragraph (3), by striking the period at the end and inserting ‘‘; and’’; and
(D) by adding at the end the following:
‘‘(d) to support Taiwan’s diplomatic relations with governments and countries’’;
and
(3) in section 5—
(A) in subsection (a)—
(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 adding at the end the following:
‘‘(d) identify why governments and countries have altered their diplomatic status vis-a-vis Taiwan and make recommendations to mitigate further deterioration in Taiwan’s diplomatic relations with governments and countries.’’;
(4) in subsection (b), by striking ‘‘1 year after the date of the enactment of this Act, and annually thereafter for five years, the Secretary of State shall report’’ and inserting ‘‘7 years after the enactment of American Security Drone Act of 2022, and annually thereafter for the following 7 years, the Secretary of State shall submit an unclassified report, with findings and recommendations with respect to Taiwan’’;
(B) by redesigning subsection (c) as subsection (d); and
(D) by inserting after subsection (b) the following:
‘‘(c) BRIEFINGS.—Not later than 90 days after the date of the enactment of American Security Drone Act of 2022, and annually thereafter for the following 7 years, the Department of State shall provide briefings to the appropriate congressional committees on the steps taken in accordance with section (a). The briefings required under this subsection shall take place in an unclassified setting, but may be accompanied by an additional classified briefing.’’.
SEC. 10403. REPORT ON ROLE OF PEOPLES REPUBLIC OF CHINA’S NUCLEAR THREAT IN ESCALATION DYNAMICS.
(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees a report assessing the role of the increasing nuclear threat of the People’s Republic of China in escalation dynamics with respect to Taiwan.
(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.
(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘‘appropriate congressional committees’’ means—
(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on Armed Services of the Senate;
(3) the Select Committee on Intelligence of the Senate;
(4) the Committee on Foreign Affairs of the House of Representatives;
(5) the Committee on Armed Services of the House of Representatives; and
(6) the Permanent Select Committee on Intelligence of the House of Representatives.
SEC. 10404. REPORT ANALYZING THE IMPACT OF RUSSIA’S WAR AGAINST UKRAINE ON THE OBJECTIVES OF THE PEOPLE’S REPUBLIC OF CHINA WITH RESPECT TO TAIWAN.
(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit a report to the appropriate congressional committees that analyzes the impact of Russia’s war against Ukraine on the PRC’s diplomatic, military, economic, and propaganda objectives with respect to Taiwan.
(b) ELEMENTS.—The report required under subsection (a) shall describe—
(1) adaptations or known changes to PRC strategies and military doctrine since the commencement of the Russian invasion of Ukraine on February 24, 2022, including changes—
(A) to PRC behavior in international forums;
(B) within the People’s Liberation Army, with respect to the size of forces, the make-up of leadership, weapons and equipment upkeep, the doctrine on the use of specific weapons, such as weapons banned.
under the international law of armed conflict, efforts to move weapons supply chains onto mainland PRC, or any other changes in its military strategy with respect to Taiwan; (C) in coordinated planning, such as sanctions evasion, efforts to minimize exposure to sanctions, or moves in support of the protection of currency or other strategic reserves; (D) to propaganda, disinformation, and other information operations originating in the PRC; and (E) to the PRC’s strategy for the use of force against Taiwan, including any information on preferred scenarios or operations to secure its objectives in Taiwan, adjustments based on how the Russian military has performed in Ukraine, and other relevant matters; (2) United States’ plans to adapt its policies and military planning in response to the changes referred to in paragraph (1). (c) FORM.—The report required under subsection (a) shall be submitted in classified form. (d) COORDINATION WITH ALLIES AND PARTNERS.—The Secretary of State shall share information in the report required under subsection (a), as appropriate, with appropriate officials of allied and partners, including Taiwan and other partners in Europe and in the Indo-Pacific. (e) DEFINED TERMS.—In this section, the term “appropriate congressional committees” means— (1) the Committee on Foreign Relations of the Senate; (2) the Committee on Armed Services of the Senate; (3) the Committee on Appropriations of the Senate; (4) the Select Committee on Intelligence of the Senate; (5) the Committee on Banking, Housing, and Urban Affairs of the Senate; (6) the Committee on Foreign Affairs of the House of Representatives; (7) the Committee on Armed Services of the House of Representatives; (8) the Committee on Appropriations of the House of Representatives; (9) the Permanent Select Committee on Intelligence of the House of Representatives; and (10) the Committee on Financial Services of the House of Representatives.

TITLE V—UNITED STATES-TAIWAN PUBLIC HEALTH PROTECTION

SEC. 51051. SHORT TITLE. This title may be cited as “Integrity, Notification, and Transparency in Online Retail Marketplaces for Consumers Act”.

SEC. 51052. DEFINITIONS. In this title: (A) COMMITTEE.—For the purposes of this title, the term “committees” means— (1) the Committee on Foreign Relations of the Senate; (2) the Committee on Health, Education, Labor, and Pensions of the Senate; (3) the Committee on Appropriations of the Senate; (4) the Committee on Foreign Affairs of the House of Representatives; (5) the Committee on Energy and Commerce of the House of Representatives; and (6) the Committee on Appropriations of the House of Representatives. (B) Center.—The term “Center” means the Infectious Disease Monitoring Center described in section 10503.

SEC. 51050. STUDY. (a) AUTHORIZATION.—Not later than one year after the date of the enactment of this Act, the Secretary of State and the Secretary of Health and Human Services, in consultation with the heads of other relevant Federal departments and agencies, shall submit to appropriate congressional committees a study that includes the following: (1) A description of ongoing cooperation between the United States Government and Taiwan related to public health, including public health assistance supported by the United States in Taiwan. (2) A description how the United States and Taiwan can promote further cooperation and expand public health activities, including the feasibility and utility of establishing an Infectious Disease Monitoring Center within the American Institute of Taiwan in Taipei, Taiwan to— (A) regularly monitor, analyze, and disseminate open-source material from countries in the region, including viral strains, bacterial subtypes, and other pathogens; (B) engage in people-to-people contacts with medical specialists and public health officials in the region; (C) provide expertise and information on infectious diseases to the United States Government and Taiwanese officials; and (D) carry out other appropriate activities, as determined by the Director of the Center. (b) ELEMENTS.—The study required by subsection (a) shall include— (1) a plan on how such a Center would be established and operationalized, including— (A) the personnel, facilities, material, and funding requirements necessary to establish and operate the Center; and (B) the proposed structure and composition of Center personnel, which may include— (i) infectious disease experts from the Department of Health and Human Services, who are recommended to serve as detailees to any employee of the Center; and (ii) additional qualified persons to serve as detailees to employees of the Center, including— (I) from any other relevant Federal department or agency, to include the Department of State and the United States Agency for International Development; (II) qualified foreign service nationals or locally engaged staff who are considered citizens of Taiwan; and (III) employees of the Taiwan Centers for Disease Control; (2) an evaluation, based on the factors in paragraph (1), of whether to establish the Center; and (3) a description of any consultations or agreements between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States regarding the establishment and operation of the Center, including— (A) the role that employees of the Taiwan Centers for Disease Control would play in supporting or coordinating with the Center; and (B) whether any employees of the Taiwan Centers for Disease Control would be detailed to, or co-located with, the Center. (c) CONSULTATION.—The Secretary of State and the Secretary of Health and Human Services shall consult with the appropriate congressional committees before full completion of the study.

TITLE VI—RULES OF CONSTRUCTION

SEC. 51061. RULE OF CONSTRUCTION. Nothing in this division may be construed as authorizing the use of military force or the introduction of United States forces into hostilities.

DIVISION I—HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS MATTERS

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TITLE LII—HOMELAND SECURITY

Subtitle A—Global Catastrophic Risk Management Act of 2022

SEC. 5101. SHORT TITLE.
This subtitle may be cited as the “Global Catastrophic Risk Management Act of 2022.”

SEC. 5102. DEFINITIONS.
In this subtitle—
(1) basic need—The term “basic need” means—
(A) means any good, service, or activity necessary to protect the health, safety, and general welfare of the civilian population of the United States; and
(B) includes—

(1) food;
(2) water;
(3) shelter;
(4) basic communication services;
(5) basic sanitation and health services; and
(6) public safety.

(2) catastrophic incident—the term “catastrophic incident” means any natural or man-made disaster that results in extraordinary levels of casualties or damage, mass evacuations, or disruption severely affecting population, infrastructure, environment, economy, national morale, or government functions in an area; and

(A) may include an incident in which—
(i) a sustained national impact over a prolonged period of time;
(ii) that may rapidly exceed resources available to State and local government and private sector authorities in the impacted area; or
(iii) that may significantly interrupt governmental operations and emergency services to such an extent that national security could be threatened.

(3) critical infrastructure—The term “critical infrastructure” means the means given in the term section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e)).

(4) existence risk—The term “existential risk” means the potential for an outcome that would result in human extinction.

(5) global catastrophic and existential threats—The term “global catastrophic and existential threats” means the risks of events or incidents consequential enough to significantly harm, set back, or destroy human civilization at the global scale.

(6) global catastrophic and existential threats—The term “global catastrophic and existential threats” means the risk of catastrophic and existential threats arising from the use and development of emerging technologies.

(7) Indian tribal government—The term “Indian tribal government” has the meaning given in the term “Indian tribal government” in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(8) local government and state—The terms “local government” and “state” are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(9) national exercise program—The term “national exercise program” means activities carried out to test and evaluate the national preparedness goals and related plans and strategies as described in section 648(b) of the Post-Katrina Emergency Management Reform Act of 2006 (44 U.S.C. 5156).

(10) secretary—The term “secretary” means the Secretary of Homeland Security.

SEC. 5103. ASSESSMENT OF GLOBAL CATASTROPHIC RISK.
(a) in general—The Secretary shall conduct an assessment of global catastrophic risk.

(b) consultation—When conducting the assessment under subsection (a), the Secretary shall consult with senior representatives of—
(1) the Assistant to the President for National Security Affairs;
(2) the Director of the Office of Science and Technology Policy;
(3) the Administrator of the Federal Emergency Management Agency;
(4) the Secretary of Health and Human Services, the Assistant Secretary for Preparedness and Response, and the Assistant Secretary for Global Affairs;
(5) the Secretary of the Treasury; the Under Secretary for Energy for Nuclear Security, and the Director of Science;
(6) the Secretary of Energy, the Under Secretary for Energy for Nuclear Security, and the Director of Science;
(7) the Secretary of Health and Human Services, the Assistant Secretary for Preparedness and Response, and the Assistant Secretary for Global Affairs;
(8) the Secretary of Commerce, the Under Secretary of Commerce for Oceans and Atmosphere, and the Under Secretary of Commerce for Standards and Technology;
(9) the Secretary of the Interior and the Director of the United States Geological Survey;
(10) the Administrator of the Environmental Protection Agency and the Assistant Administrator for Water;
(11) the Administrator of the National Aeronautics and Space Administration;
(12) the Director of the National Science Foundation;
(13) the Secretary of the Treasury;
(14) the Chair of the Board of Governors of the Federal Reserve System;
(15) the Secretary of Defense, the Assistant Secretary of the Army for Civil Works, and the Chief of Engineers and Commanding General of the Army Corps of Engineers;
(16) the Chairman of the Joint Chiefs of Staff;
(17) the Administrator of the United States Agency for International Development;
(18) the Secretary of Transportation; and
(19) other stakeholders the Secretary determines appropriate.

SEC. 5104. REPORT REQUIRED.
(a) in general—Not later than 1 year after the date of enactment of this Act, and every 10 years thereafter, the Secretary shall submit to Congress a report containing a detailed assessment of global catastrophic and existential risk.

(b) matters covered—Each report required under subsection (a) shall include—
(1) expert estimates of cumulative global catastrophic and existential risk in the next 30 years, including separate estimates, where reasonably feasible and credible, of each threat for its likelihood of occurrence and potential consequences;
(2) expert-informed analyses of the risk of the most concerning global catastrophic and existential threats, including separate estimates, where reasonably feasible and credible, of each threat for its likelihood of occurrence and its potential consequences, as well as associated uncertainties;
(3) a comprehensive list of potential catastrophic or existential threats, including even those that may have very low likelihood;
(4) technical assessments and lay explanations of the analyses of the global catastrophic and existential risks, including their qualitative character and key factors affecting their likelihood of occurrence and potential consequences;
(5) an explanation of any factors that limit the ability of the Secretary to assess the risk both cumulatively and for particular threats, and how those limitations may be overcome through future research or with additional resources, programs, or authorities;
(6) a review of the effectiveness of intelligence collection, early warning and detection systems, or other functions and programs necessary to evaluate the risk of particular global catastrophic and existential threats, if any exist and as applicable for particular threats;
(7) a forecast of if and why global catastrophic and existential risk is likely to increase or decrease significantly in the next 30 years, both qualitatively and quantitatively, and a description of associated uncertainties;

(8) proposals for how the Federal Government may more adequately assess global catastrophic and existential risk on an ongoing basis in future years;

(9) recommendations for legislative actions, as appropriate, to support the evaluation and assessment of global catastrophic and existential risk; and

(10) other matters deemed appropriate by the Secretary.

SEC. 5105. ENHANCED CATASTROPHIC INCIDENT ANNEX

(a) In GENERAL.—The Secretary shall supplement each Federal Interagency Operational Plan to include an annex containing a strategy for national defense, health, security, and general welfare of the civilian population affected by catastrophic incidents by—

(1) providing for the basic needs of the civilian population of the United States that is impacted by catastrophic incidents in the United States;

(2) coordinating response efforts with State, local, and Indian Tribal governments, the private sector, and nonprofit relief organizations;

(3) promoting personal and local readiness and non-reliance on government relief during periods of heightened tension or after catastrophic incidents; and

(4) developing international partnerships with related nations for the provision of relief services and goods.

(b) ELEMENTS OF THE STRATEGY.—The strategy required under subsection (a) shall include a description of—

(1) actions the Federal Government should take to ensure the basic needs of the civilian population of the United States in a catastrophic incident are met;

(2) how the Federal Government should coordinate with non-Federal entities to multiply resources and enhance relief capabilities, including—

(A) State and local governments;

(B) Indian Tribal governments;

(C) State disaster relief agencies;

(D) State and local disaster relief managers;

(E) State National Guards;

(F) law enforcement and first response entities; and

(G) nonprofit relief services;

(3) actions the Federal Government should take to enhance individual resiliency to the effects of a catastrophic incident, which actions shall include—

(A) readiness alerts to the public during periods of elevated threat;

(B) efforts to enhance domestic supply and availability of critical goods and basic necessities; and

(C) information campaigns to ensure the public is aware of response plans and services that will be activated when necessary;

(4) efforts the Federal Government should undertake and agreements the Federal Government would negotiate with international allies to enhance the readiness of the United States to provide for the general welfare;

(5) how the strategy will be implemented should catastrophic critical infrastructure be destroyed or taken offline entirely for an extended period of time; and

(6) the authorities the Federal Government should implicate in responding to a catastrophic incident.

(c) ASSUMPTIONS.—In designing the strategy under subsection (a), the Secretary shall account for certain factors to make the strategy operationally viable, including the assumption that—

(1) multiple levels of critical infrastructure have been taken offline or destroyed by catastrophic incidents or the effects of catastrophic incidents;

(2) impacted sectors may include—

(A) the transportation sector;

(B) the communication sector;

(C) the energy sector;

(D) the healthcare and public health sector;

(E) the water and wastewater sector; and

(F) the financial sector;

(3) the United States military is sufficiently engaged in armed or cyber conflict with State or non-State adversaries, or is otherwise unable to augment domestic response capabilities in a significant manner due to a catastrophic incident.

SEC. 5106. VALIDATION OF THE STRATEGY THROUGH AN EXERCISE.

Not later than 1 year after the addition of the annex required under section 5105, the Department of Homeland Security shall lead an exercise as part of the national exercise program to test and enhance the operationalization of the strategy required under section 5105.

SEC. 5107. RECOMMENDATIONS.

(a) In GENERAL.—The Secretary shall provide recommendations to Congress for—

(1) actions that should be taken to prepare the United States to implement the strategy required under section 5105, increase readiness, and address preparedness gaps for responding to the impacts of catastrophic incidents on citizens of the United States; and

(2) additional measures that should be considered for Federal agencies to more effectively implement the strategy required under section 5105.

(b) INCLUSION IN REPORTS.—The Secretary may include the recommendations required under subsection (a) in a report submitted under section 5108.

SEC. 5108. REPORTING REQUIREMENTS.

Not later than 1 year after the date of enactment of this Act and every 180 days thereafter for 4 years, the Secretary shall submit to Congress a report that includes—

(1) a description of the efforts of the Secretary to develop and update the strategy required under section 5105; and

(2) an after-action report following the conduct of the exercise described in section 5106.

SEC. 5109. RULE OF CONSTRUCTION.


(1) IN GENERAL.—There is established the DHS Economic Security Council.


(3) E CONOMIC SECURITY.—The term "economic security" has the meaning given that term in section 8908(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 474(c)(2)).

(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.
security and trade, as such matters relate to the mission and the operations of the Department.

(5) ADDITIONAL RESPONSIBILITIES.—In addition to the duties specified in paragraph (2), the Assistant Secretary for Economic Security, at the direction of the Under Secretary for Strategy, Policy, and Plans, may—

(i) coordinate the supply chain policy; and

(ii) assess and report to Congress related to critical economic security domains;

(B) serve as the representative of the Under Secretary for Strategy, Policy, and Plans to achieve purposes of representing the Department on—

(i) the Committee on Foreign Investment in the United States; and

(ii) the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector;

(C) coordinate with stakeholders in other Federal departments and agencies and non-governmental entities with trade and economic security interests, authorities, and responsibilities; and

(D) perform such additional duties as the Secretary or the Under Secretary of Strategy, Policy, and Plans may prescribe.

(4) DEFINITIONS.—In this section—

(A) CRITICAL SECURITY DOMAIN.—The term ‘critical economic security domain’ means any infrastructure, industry, technology, or intellectual property (or combination thereof) that is essential for the economic security of the United States.

(B) ECONOMIC SECURITY.—The term ‘economic security’ has the meaning given that term in section 102 of the Homeland Security Act of 2002 (6 U.S.C. 102).

(C) coordinate with stakeholders in other government departments and agencies as well as other preparedness programming to build community resilience to technological hazards and related emerging threats.

(b) AUTHORITY.—The Administrator shall carry out subsection (a) in accordance with—

(1) the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) section 1226 of the Disaster Recovery Reform Act of 2018 (42 U.S.C. 5196g); and


(c) ASSESSMENT AND NOTIFICATION.—In carrying out subsection (a), the Administrator shall—

(1) use any available and appropriate multi-hazard risk assessment and mapping tools and capabilities to identify the communities that have the highest risk of and vulnerability to a technological hazard in each State;

(2) ensure each State and Indian Tribal government is aware of—

(A) the communities identified under paragraph (1); and

(B) the availability of programming under this section for—

(i) technological hazards and related emerging threats preparedness; and

(ii) building community capability.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Appropriations of the House of Representatives, and the Committee on Transportation and Infrastructure the House of Representatives a report relating to—

(1) actions taken to implement this section; and

(2) each technological hazards and related emerging threats preparedness programming provided under this section during the 1-year.
period preceding the date of submission of the report.

(e) Consultation.—The Secretary of Homeland Security may seek continuing input relating to technological hazards and related emerging threats preparedness needs by consulting State, Tribal, territorial, and local emergency services organizations and private sector partners.

(f) Coordination.—The Secretary of Homeland Security shall coordinate with the Secretary of Energy relating to technological hazards and training for a hazard that could result from activities or facilities authorized or licensed by the Department of Energy.

SEC. 5141. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $230,000,000 for each of fiscal years 2023 through 2024.

SEC. 5135. SAVINGS PROVISION.

Nothing in this subtitle shall diminish or divert resources from—

(1) the full completion of federally-led chemical surety material storage missions or chemical demilitarization missions that are underway as of the date of enactment of this Act; or

(2) any pandemic or other community assistance incidental to the completion of the missions described in paragraph (1).

Subtitle E—Offices of Countering Weapons of Mass Destruction and Health Security

SEC. 5141. SHORT TITLE.

This subtitle may be cited as the “Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022.”

CHAPTER 2—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

SEC. 5142. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.

(a) HOMELAND SECURITY ACT OF 2002.—Title XIX of the Homeland Security Act of 2002 (8 U.S.C. 590 et seq.) is amended—

(1) in section 1901 (6 U.S.C. 591)—

(A) in subsection (c), by amending paragraphs (1) and (2) to read as follows:

“(1) matters and strategies pertaining to—

(A) weapons of mass destruction; and

(B) chemical, biological, radiological, nuclear, and other related emerging threats; and

(2) coordinating the efforts of the Department to counter—

(A) weapons of mass destruction; and

(B) chemical, biological, radiological, nuclear, and other related emerging threats.

and

(B) by striking subsection (e); and

(2) by amending section 1921 (6 U.S.C. 591g) to read as follows:

“SEC. 1921. MISSION OF THE OFFICE.

The Office shall be responsible for—

(1) coordinating the efforts of the Department to counter—

(A) weapons of mass destruction; and

(B) chemical, biological, radiological, nuclear, and other related emerging threats; and

(2) enhancing the ability of Federal, State, local, Tribal, and territorial partners to prevent, detect, protect against, and mitigate the impacts of attacks using—

(A) weapons of mass destruction against the United States; and

(B) chemical, biological, radiological, nuclear, and other related emerging threats against the United States.

(i) in the subsection heading, by striking subsection (b); and

(ii) by redesignating subsection (c) as subsection (b); and

(ii) in section 1926 (6 U.S.C. 592)—

(A) by redesigning subsections (a) and (b) as subsections (b) and (d), respectively;

(B) by inserting before subsection (b), as so redesignated, the following:

“(a) Office Responsibilities.—

(1) in General.—For the purposes of coordination relating to chemical, biological, radiological, and other related emerging threats, the Office shall—

(A) provide expertise and guidance to Department leadership and components on chemical, biological, radiological, nuclear, and other related emerging threats, subject to the research, development, testing, and evaluation coordination requirement described in subparagraph (G); and

(B) in coordination with the Office for Strategy, Policy, and Plans, lead development of policies and strategies to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats on behalf of the Department;

(2) identify, assess, and prioritize capability gaps relating to the strategic and mission objectives of the Department for weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats; and

(D) in coordination with the Office of Intelligence, Surveillance, and Reconnaissance components of the Department, and Federal, State, local, Tribal, and territorial partners, provide intelligence and information analysis and reports on all chemical, biological, radiological, nuclear, and other related emerging threats;

(E) in consultation with the Office of Intelligence, Surveillance, and Reconnaissance and related emerging threats teams, assess the United States risk from weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats; and

(F) as appropriate, develop, acquire, and deploy counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, subject to the research, development, testing, and evaluation coordination requirement described in subparagraph (G), which requirements shall be—

(1) developed in coordination with end users; and

(2) reviewed by the Joint Requirements Council, as appropriate;

(G) in coordination with the Science and Technology Directorate, assess risk to the United States from weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

(F) in coordination with the Office for Intelligence, Surveillance, and Reconnaissance, develop a test and evaluation plan that articulates the intelligence and information analysis and threat characterization, technology maturation, prototyping, and technology transition;

(2) acquire, procure, and deploy counter weapons of mass destruction capabilities, and serve as the lead advisor of the Department on component acquisition, procurement, development, and support, and in coordination with international partners to support efforts with international partners subject to the research, development, testing, and evaluation coordination requirement under subparagraph (G), which requirements shall be—

(K) carry out any other duties assigned to the Office by the Secretary.

(2) Detection and Reporting.—For purposes of the detection and reporting responsibilities of the Office for weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, the Office shall—

(A) in coordination with end users, including State, local, Tribal, and territorial partners, as appropriate—

(i) carry out a program to test and evaluate technology, in consultation with the Science and Technology Directorate, to develop and report on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats weapons or unauthorized material, in coordination with other Department and other related emerging threats weapons or unauthorized material, and coordinate with the Under Secretary for Science and Technology on research and development efforts relevant to the mission of the Office and the Under Secretary for Science and Technology;

(ii) before carrying out operational testing under subparagraph (A), develop a test and evaluation plan that articulates the requirements for the user and describes how these capability needs will be tested in developmental test and evaluation and operational test and evaluation;

(D) as appropriate, develop, acquire, and deploy equipment to detect and report on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats weapons or unauthorized material in support of Federal, State, local, Tribal, and territorial governments; and

(3) support and enhance the effective sharing and use of appropriate information on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats and related emerging issues generated by elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (5 U.S.C. 3003), law enforcement agencies, other Federal agencies, State, local, Tribal, and territorial governments, and foreign governments, as well as provide appropriate information to those entities as appropriate;

(F) consult, as appropriate, with the Federal Emergency Management Agency and other departmental components, on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats weapons or unauthorized material in support of Federal, State, local, Tribal, and territorial governments, and foreign governments, as well as provide appropriate information to those entities as appropriate;

and

(G) perform other duties as assigned by the Secretary.

(i) in the subsection heading, by striking “MISSION” and inserting “RADIOLOGICAL AND NUCLEAR RESPONSIBILITIES”;

(i) in paragraph (a)—

(2) in the third sentence, by inserting “deploy,” after “acquire,”; and

(ii) in paragraph (b)—

(i) by striking “deploy,” after “acquire,”; and
(II) by striking “deployment” and inserting “operations”; (iii) by striking paragraphs (6) through (10); (iv) redesignating paragraphs (11) and (12) as paragraphs (6) and (7), respectively; (v) in paragraph (7)(C)(v), as so redesignated—

(1) in the matter preceding subclause (I), by inserting “except as otherwise provided,” before “require”; and

(II) in subclause (D)(ii), as so redesignated—

(a) in the preceding item (aa), by striking “death or disability” and inserting “death, disability, or a finding of good cause”; (b) by inserting “except as otherwise provided,” before “require”;

and (v) by inserting “except as otherwise provided,” before “require”;

(vi) by striking paragraph (13); and

(v) in paragraph (7)(C)(v), as so redesignated—

(A) in clause (i), by striking “required” and inserting “appropriate congressional committees an update on the STC program.”;

and (b) by adding at the end the following:

SEC. 1929. ACCOUNTABILITY.

(a) DEPARTMENTWIDE STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary shall submit to the appropriate congressional committees a report on the updated Departmentwide strategy and implementation plan required under paragraph (1).

(2) CONSIDERATION.—The Secretary shall appropriately consider weapons of mass destruction and chemical, biological, radiological, and nuclear, and other related emerging threats when creating the strategy and implementation plan required under paragraph (1).

(3) STRATEGY.—Not later than 1 year after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary, in consultation with appropriate stake holders representing Federal, State, Tribal, territorial, academic, and nongovernmental entities, shall conduct a Departmentwide review of biodefense activities and strategies.

(4) CONGRESSIONAL OVERSIGHT.—Not later than 1 year after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Comptroller General of the United States shall conduct a review of and brief the appropriate congressional committees on a strategy and plan to continuously improve the ability of Federal, State, local, and Tribal governments to prevent, detect, protect against, and mitigate the impacts of chemical and biological threats against the United States.

(b) DEPARTMENTWIDE BIODEFENSE REVIEW AND STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary, in collaboration with the Biomedical Advanced Research and Development Authority, the Office of Health Security, the Defense Advanced Research Projects Agency, the National Institute of Allergy and Infectious Diseases and the National Institutes of Health, shall submit to the appropriate congressional committees a report on the updated Departmentwide strategy and implementation plan required under paragraph (1).

(2) REVIEW.—The report required under paragraph (1) shall—

(A) identify with specificity the biodefense lines of effort of the Department, including relating to biodefense roles, responsibilities, and capabilities of components and offices of the Department;

(B) assess how such components and offices coordinate with public and private partners in the biodefense enterprise;

(C) identify any policy, resource, capability, and information sharing gaps that the Department’s ability to assess, prevent, protect against, and respond to biological threats; and

(D) identify any organizational changes or reforms necessary for the Department to effectively execute its biodefense mission and role, including with respect to public and private partners in the biodefense enterprise.

(3) STRATEGY.—Not later than 1 year after completion of the review required under paragraph (1), the Secretary shall issue a biodefense strategy for the Department that—

(A) is informed by such review and aligned with section 1086 of the National Defense Authorization Act for Fiscal Year 2023; (B) in section 1039(a) of the National Defense Authorization Act for Fiscal Year 2023, as redesignated by section 1039(c) of the National Defense Authorization Act for Fiscal Year 2023; (C) is informed by such review and aligned with section 1086 of the National Defense Authorization Act for Fiscal Year 2023; and

(D) is consistent with policy, resources, and other capabilities of the Department.

(c) EMPLOYEE MORALE.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary shall submit to the appropriate congressional committees a report on the Department’s ability to assess, prevent, protect against, and respond to biological threats; and

(d) PERIODIC UPDATE.—Beginning not later than 5 years after the issuance of the biodefense strategy and implementation plans required under paragraph (3), and not less often than once every 5 years thereafter, the Secretary shall review and update, as necessary, such strategy and plans.

(e) NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE.—Not later than 1 year after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Comptroller General of the United States shall conduct a review of and brief the appropriate congressional committees on—

(1) the efforts of the Office to prioritize the programs and activities that carry out the mission of the Office, including research and development;

(2) the consistency and effectiveness of stake holder coordination across the mission of the Department, including operational support components of the Department and State and local entities; and

(3) the efforts of the Office to manage and coordinate the lifecycle of research and development activities within the Office and with other components of the Department, including the Science and Technology Directorate.

(f) NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE.—Not later than 5 years after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Comptroller General of the United States shall conduct a review of and brief the appropriate congressional committees on—

(1) the efforts of the Office to prioritize the programs and activities that carry out the mission of the Office, including research and development;
“(A) the role of the Department in preparing, detecting, and responding to biological and chemical threats to the homeland;

“(B) recommendations to improve departmental biosurveillance efforts against biological threats, including any relevant biological detection methods and technologies; and

“(C) the feasibility of different technological advances for biodetection compared to the cost, risk reduction, and timeliness of those advances;”

“(2) BRIEFING.—Not later than 1 year after the date on which the Secretary receives the report required under paragraph (1), the Secretary shall brief the appropriate congressional committees on—

“(A) the implementation of the recommendations included in the report; and

“(B) the status of biological detection at the Department, and, if applicable, timelines for the transition from biowatch to updated technologies.

“(f) ADVISORY COUNCIL.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary shall establish an advisory body on ongoing coordination of the efforts of the Department to counter weapons of mass destruction, to be known as the Advisory Council for Countering Weapons of Mass Destruction (in this subsection referred to as the ‘Advisory Council’).

“(2) MEMBERSHIP.—The members of the Advisory Council shall—

“(A) be appointed by the Assistant Secretary; and

“(B) to the extent practicable, represent a geographic (including urban and rural) and substantive (including forensic, law enforcement, and intelligence) cross section of officials from the State, local, and Tribal governments, academia, the private sector, national laboratories, and nongovernmental organizations, including, as appropriate—

“(i) members selected from the emergency management field and emergency response providers;

“(ii) State, local, and Tribal government officials;

“(iii) experts in the public and private sectors with expertise in chemical, biological, radiological, and nuclear agents and weapons;

“(iv) representatives from the national laboratories and organizations;

“(v) other individuals as the Assistant Secretary determines to be appropriate.

“(g) RESPONSIBILITIES.—The Advisory Council shall—

“(A) advise the Assistant Secretary on all aspects of countering weapons of mass destruction;

“(B) incorporate State, local, and Tribal government, national laboratories, and private sector input in the development of the strategy and implementation plan of the Department of Homeland Security’s countering weapons of mass destruction; and

“(C) establish performance criteria for a national biological detection system and review the testing protocol for biological detection prototypes.

“(h) CONSULTATION.—To ensure input from and coordination with State, local, and Tribal governments, the Advisory Council shall regularly consult and work with the Advisory Council on the administration of Federal assistance provided by the Department, including with respect to the development of requirements for countering weapons of mass destruction programs, as appropriate.

“(i) VOLUNTARY SERVICE.—The members of the Advisory Council shall serve on the Advisory Council on a voluntary basis.


“(b) COUNTERING WEAPONS OF MASS DESTRUCTION ACT.—Section 7 of the Countering Weapons of Mass Destruction Act of 2018 (Public Law 115–387; 122 Stat. 5162) is amended—

“(1) in subsection (b)(2) (6 U.S.C. 591 note), by striking ‘‘1927’’ and inserting ‘‘1926’’; and

“(2) in subsection (g) (6 U.S.C. 591 note)—

“(A) in the matter preceding paragraph (1), by striking ‘‘the date of the enactment of this Act, and annually thereafter, and’’;

“(B) by striking paragraph (2), by striking ‘‘Security, including research and development activities’’ and inserting ‘‘Security’’;

“(C) SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT OF 2006 (6 U.S.C. 501 et seq.) is amended—

“(1) in section 1(b) (Public Law 109–347; 120 Stat. 1984), by striking the item relating to section 502; and

“(2) by striking section 502 (6 U.S.C. 592a).

“SEC. 5143. RULE OF CONSTRUCTION.

“Nothing in this chapter or the amendments made by this chapter shall be construed to affect or diminish the authorities or responsibilities of the Under Secretary for Science and Technology.

“CHAPTER 2—OFFICE OF HEALTH SECURITY

“SEC. 5144. OFFICE OF HEALTH SECURITY.


“(1) in section 103 (6 U.S.C. 113)—

“(A) in subsection (a)(2)—

“(i) by striking ‘‘the Assistant Secretary for Health Affairs’’ and

“(ii) by striking ‘‘Affairs or’’ and inserting ‘‘Affairs or’’;

“(B) in paragraph (2), by adding at the end the following:

“(6) A Chief Medical Officer.’’;

“(2) by adding at the end the following:

“TITLE XXIII—OFFICE OF HEALTH SECURITY;

“(3) by redesignating section 1901 (6 U.S.C. 597) as section 2301 and transferring such section to appear after the heading for title XXIII, as added by paragraph (2); and

“(4) in section 1907 (6 U.S.C. 591 note)—

“(A) in the section heading, by striking ‘‘Chief Medical Officer’’ and inserting ‘‘Office of Health Security’’;

“(B) by striking subsections (a) and (b) and inserting the following:

“(a) IN GENERAL.—There is established in the Department an Office of Health Security.

“(b) HEAD OF OFFICE OF HEALTH SECURITY.—The Office of Health Security shall be headed by a chief medical officer, who shall—

“(1) be the Assistant Secretary for Health Security and the Chief Medical Officer of the Department;

“(2) be a licensed physician possessing a demonstrable ability in and knowledge of medicine and public health;

“(3) be appointed by the President; and

“(4) report directly to the Secretary.’’;

“(C) in subsection (c)—

“(1) in the matter preceding paragraph (1), by striking ‘‘medical issues related to natural disasters, acts of terrorism, and other mass-casualty events’’ and inserting ‘‘over-sight of all medical, public health, and workforce health and safety matters of the Department’’;

“(D) by striking paragraph (1), by striking ‘‘, the Administrator of the Federal Emergency Management Agency, the Assistant Secretary, and other Department officials’’ and inserting ‘‘and all other Department officials’’;

“(ii) in paragraph (4), by striking ‘‘and’’ at the end;

“(iv) by redesigning paragraph (5) as paragraph (13); and

“(v) by inserting after paragraph (4) the following:

“(6) overseeing all medical and public health activities of the Department, including the delivery, advisement, and oversight of direct patient care and the organization, management, and staffing of component operations that deliver direct patient care;

“(7) advising the Secretary and the head of each component of the Department that delivers direct patient care regarding the recruitment and appointment of a component chief medical officer or the employee who functions in the capacity of chief medical officer and deputy chief medical officer;

“(8) advising the Secretary and the head of each component of the Department that delivers direct patient care regarding knowledge and skill staffing requirements, personnel and the assessment of that knowledge and skill;

“(9) with respect to any psychological health training program of the Department, including such a program of a law enforcement, operational, or support component of the Department, advising the head of each such component with such a program regarding—

“(A) ensuring such program includes safeguards against adverse action, including automatic referrals for a fitness for duty examination, by such component with such a program to any employee solely because such employee self-identifies a need for psychological health counseling or assistance or receives such counseling or assistance;

“(B) increasing the availability and number of local psychological health professionals with experience providing psychological support services to personnel in the workplace across such component;

“(C) establishing a behavioral health curriculum for employees at the beginning of their careers to provide resources early regarding the importance of psychological health;

“(D) establishing periodic management training on crisis intervention and such component’s psychological health counseling or assistance program;

“(E) improving any associated existing employee peer support programs, including by making additional training and resources available for peer support personnel in the workplace across such component;

“(F) developing and implementing a voluntary alcohol treatment program that includes a safe harbor for employees who seek treatment;

“(G) including, when appropriate, collaborating and partnering with key employee stakeholders and, for those components with employees with an exclusive representative, the exclusive representative with respect to such a program;

“(H) in consultation with the Chief Information Officer of the Department—

“(A) identifying methods and technologies for managing, updating, and overseeing patient records; and

“(B) setting standards for technology used by the components of the Department regarding the collection, storage, and oversight of medical records;

“(I) advising the Secretary and the head of each component of the Department that...
delivers direct patient care regarding contracts for the delivery of direct patient care, other medical services, and medical supplies; (12) coordinating with the Countering Weapons of Mass Destruction Office and other components of the Department as directed by the Secretary to enhance the ability of Federal, State, local, Tribal, and territorial governments to prevent, detect, protect against, and mitigate the health effects of chemical, biological, radiological, and nuclear issues; and; and

(2) enter into other transactions;

(3) enter into agreements with other Federal agencies; and

(4) accept services from personnel of components of the Department and other Federal agencies on a reimbursable or nonreimbursable basis.

"(c) NATIONAL DEFENSE SECURITIES COUNCIL.—Notwithstanding the provisions of section 350 of title 10, United States Code, in relation to the National Defense Security Council, the Council shall have the duties and powers of the National Security Council as described in section 350 of title 10, United States Code.

"(d) ADVISORY COMMITTEES.—There shall be advisory committees consisting of persons with expertise in the fields of nuclear, biological, and chemical weapons, who are not Federal employees, to advise the Secretary on such matters as the Secretary deems necessary.

"(e) TREATY IMPLEMENTATION.—(1) The Secretary, acting through the Chief Medical Officer of the Department, shall—

"(i) perform all duties and responsibilities of the Chief Medical Officer of the Department of Homeland Security, as in existence on the date of enactment of this Act, as directed by the Secretary of Homeland Security;

"(ii) be the Health and Safety Coordinator of the Department, as so defined in section 2302 of the Act, and acting as the Secretary of Homeland Security, as so defined in section 2302 of the Act, shall continue to serve as the Chief Medical Officer of the Department on and after the date of enactment of this Act without the need for reappointment.

"(f) ACCOUNTABILITY.—The Secretary, acting through the Chief Medical Officer of the Department, shall—

"(i) perform all duties and responsibilities of the Chief Medical Officer of the Department, as in existence on the date of enactment of this Act, as directed by the Secretary of Homeland Security, as so defined in section 2302 of the Act, as so redesignated—

"(A) in the section heading, by striking "Under Secretary for Management" and inserting "Chief Medical Officer";

"(B) all functions, personnel, budget authority, and assets of the Under Secretary for Homeland Security relating to the Chief Medical Officer, as in existence on the day before the date of enactment of this Act, and such officer shall be paid pursuant to section 5315 of title 5, United States Code.

"(3) TRANSFER.—The Secretary of Homeland Security shall transfer to the Chief Medical Officer of the Department of Homeland Security the following:

"(A) all functions, personnel, budget authority, and assets of the Under Secretary for Management relating to workforce health and safety, as in existence on the day before the date of enactment of this Act, and

"(B) all functions, personnel, budget authority, and assets of the Assistant Secretary for the Countering Weapons of Mass Destruction Office relating to the Chief Medical Officer, including the Medical Operations Directorate of the Countering Weapons of Mass Destruction Office, as in existence on the day before the date of enactment of this Act, and

"(C) all functions, personnel, budget authority, and assets of the Assistant Secretary for Counterterrorism and Threat Prevention of the Department of Homeland Security associated with the efforts pertaining to the program coordination activities relating to defending the food, agriculture, and veterinary defenses of the Office, as in existence on the day before the date of enactment of this Act.

"(g) QUALITY ASSURANCE RECORDS.—The term 'medical quality assurance record of the Department' means all information, including the program coordination activities described in subsection (c)(2), may not be disclosed to any person or entity.

"(h) PROHIBITION ON DISCLOSURE AND TESTIMONY.—Except as otherwise provided in this section, no part of any medical quality assurance record of the Department may be subject to discovery or admitted into evidence in any judicial or administrative proceeding; and

"(i) an individual who reviews or creates a medical quality assurance record of the Department or who participates in any proceeding that reviews or creates a medical quality assurance record of the Department may not be permitted or required to testify in any judicial or administrative proceeding with respect to the record or with respect to any finding, recommendation, evaluation, opinion, or action taken by that individual in connection with the record.

"(j) AUTHORIZED DISCLOSURE AND TESTIMONY.—

"(1) IN GENERAL.—Subject to paragraph (2), a medical quality assurance record of the Department may be disclosed, and a person described in subsection (c)(2) may give testimony in connection with the record, only as follows:

"(A) To a Federal agency or private organization, if the medical quality assurance record of the Department or testimony is needed by the Federal agency or private organization to—

"(i) perform licensing or accreditation functions related to (i) health care facilities, a facility affiliated with the Department, or any other location authorized by the Secretary for the performance of health care services; or

"(ii) perform monitoring, required by law, of Department health care facilities, a facility affiliated with the Department, or any other location authorized by the Secretary for the performance of health care services.

"(B) To an administrative or judicial proceeding concerning an adverse action related to the denial of credentialing or health care provided by a present or former health care provider by the Department.

"(C) To a governmental board or agency or to a professional health care organization, if the medical quality assurance record of the Department or testimony is
needed by the board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care provider who is or was a health care provider for the Department.

"(D) To a hospital, medical center, or other institution that provides health care services, if the medical quality assurance record of the Department or testimony is needed by the institution to assess the professional qualifications of any health care provider who is or was a health care provider for the Department and who has applied for or been granted authority or employment to provide health care services in or on behalf of the institution.

"(E) To an employee, a detailee, or a contractor of the Department who has a need for the medical quality assurance record of the Department or testimony to perform official duties or duties within the scope of their contract.

"(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of the agency or instrumentality makes a written request that the medical quality assurance record of the Department or testimony be provided for a purpose authorized by law.

"(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality described in subparagraph (F), but only with respect to the subject of the proceeding.

"(2) PERSONALLY IDENTIFIABLE INFORMATION.—

"(A) IN GENERAL.—With the exception of the subject of a quality assurance action, personally identifiable information of any person receiving health care services from the Department or from any other person associated with the Department for purposes of a medical quality assurance program that is disclosed in a medical quality assurance record of the Department shall be deleted from that record before any disclosure of the record is made outside the Department.

"(B) APPLICATION.—The requirement under subparagraph (A) shall not apply to the release of information that is permissible under section 552a of title 5, United States Code (commonly known as the ‘Privacy Act’ of 1974).

"(e) DISCLOSURE FOR CERTAIN PURPOSES.—Nothing in this section shall be construed—

"(1) to authorize or require the withholding of a record or testimony described in paragraph (F), but only with respect to the subject of the proceeding.

"(2) to authorize the withholding of any medical quality assurance record of the Department from a committee of either House of Congress, or the Comptroller General of the United States if the record pertains to any matter within their respective jurisdictions.

"(f) PROHIBITION ON DISCLOSURE OF INFORMATION, RECORD, OR TESTIMONY.—A person or entity having possession of or access to a medical quality assurance record of the Department or testimony described in this section may not disclose the contents of the record or testimony in any manner or for any purpose except as provided in this section.

"(g) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—Any medical quality assurance record of the Department shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code (commonly known as the ‘Freedom of Information Act’).

"(h) LIMITATION ON CIVIL LIABILITY.—A person who participates in the review or creation of, or provides information to a person or body that reviews or creates, a medical quality assurance record of the Department shall not be civilly liable under this section for providing the information if the participation or provision of information was—

"(1) provided in good faith based on prevailing professional standards of the medical quality assurance program activity took place; and

"(2) made in accordance with any other applicable legal requirements, including Federal privacy laws and regulations.

"(i) APPLICATION TO INFORMATION IN CERTAIN OTHER RECORDS.—Nothing in this section shall be construed as limiting access to the information in a record created and maintained outside a medical quality assurance program, including the medical record of a patient, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

"(j) PENALTY.—Any person who willfully discloses a medical quality assurance record of the Department other than as provided in this section, knowing that the record is a medical quality assurance record of the Department shall be fined not more than $3,000 in the case of a first offense and not more than $30,000 in the case of a subsequent offense.

"(k) RELATIONSHIP TO COAST GUARD.—The Secretary of the Department shall disclose a medical quality assurance record of the Department that is created by or for the Coast Guard as part of a medical quality assurance program.

"(l) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede the requirements of—

"(1) the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 1856) and its implementing regulations;

"(2) the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17931 et seq.) and its implementing regulations;

"(3) sections 291 through 296 of the Public Health Service Act (42 U.S.C. 299a–21 through 299f–26) and their implementing regulations.

SEC. 5147. TECHNICAL AND CONFORMING AMENDMENTS.


(1) in the table of contents in section 1(b) (Public Law 107–296; 116 Stat. 2135)—

(A) by striking the items relating to sections 528 and 529 and inserting the following: “Sec. 528. Transfer of equipment during a public health emergency.”;

(B) by striking the items relating to sections 710, 711, 712, and 713 and inserting the following: “Sec. 710. Employee engagement.”;

“Sec. 711. Annual employee award program.”;

“Sec. 712. Acquisition professional career program.”;

(C) by inserting after the item relating to section 1929 the following: “Sec. 1929. Accountability.”;

(D) by striking the items relating to subtitle C of title XIX and sections 1931 and 1932; and

(E) by adding at the end the following:

“TITLe XIX—OFFICE OF HEALTH SECURITY

“Sec. 2301. Office of Health Security.”;

“Sec. 2302. Workforce health and safety.”;

“Sec. 2303. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism.”;

“Sec. 2304. Medical countermeasures.”;

“Sec. 2305. Confidentiality of medical quality assurance records.”

(2) by redesignating section 529 (6 U.S.C. 321r) as section 528;

(3) in section 704(e)(4) (6 U.S.C. 3464(e)(4)), by striking “section 711(a)” and inserting “section 5147(a)”;

(4) by redesignating sections 711, 712, and 713 as sections 710, 711, and 712, respectively;

(5) in subsection (d)(3) of section 1923 (6 U.S.C. 592), as so redesignated by section 5142 of this Act—

(A) in the paragraph heading, by striking “HAWAIIAN NATIVE-SERVING”;

(B) by striking “Hawaiian native-serving” and inserting “Native Hawaiian-serving”; and

(6) by striking the subtitle heading for subtitle C of title XIX.

Subtitle F—Satellite Cybersecurity Act

SEC. 5151. SHORT TITLE.

This subtitle may be cited as the “Satellite Cybersecurity Act.”

SEC. 5152. DEFINITIONS.

In this subtitle:

"(1) CLEARINGHOUSE.—The term ‘clearinghouse’ means a commercial satellite system cybersecurity clearinghouse required to be developed and maintained under section 5144(b)(1).

"(2) COMMERCIAL SATELLITE SYSTEM.—The term ‘commercial satellite system’—

(A) means a system that—

(i) is owned or operated by a non-Federal entity based in the United States; and

(ii) is composed of not less than 1 earth satellite; and

(B) includes—

(i) any ground support infrastructure for each satellite in the system; and

(ii) any transmission link among and between any satellite in the system and any ground support infrastructure in the system.

"(3) CRITICAL INFRASTRUCTURE.—The term ‘critical infrastructure’ has the meaning given the term in subsection (e) of the Critical Infrastructure Protection Act of 2002 (42 U.S.C. 5190c(e)).

"(4) CYBERSECURITY RISK.—The term ‘cybersecurity risk’ has the meaning given the term ‘critical infrastructure security risk’ in the Critical Infrastructure Protection Act of 2002, as added by section 5191 of this division.

"(5) CYBERSECURITY THREAT.—The term ‘cybersecurity threat’ has the meaning given the term ‘critical infrastructure security threat’ in the Critical Infrastructure Protection Act of 2002, as added by section 5191 of this division.

Subtitle G—Report on Commercial Satellite Cybersecurity

SEC. 5153. REPORT ON COMMERCIAL SATELLITE CYBERSECURITY.

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the actions the Federal Government has taken to support the cybersecurity of commercial satellite systems, including as part of any action to address the cybersecurity of critical infrastructure sectors.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall report to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate on the status of efforts for the Committee on Homeland Security and the Committee on Space, Science, and Technology of the House of Representatives on the study conducted under subsection (a), which shall include information on—

(1) efforts of the Federal Government to—
(A) address or improve the cybersecurity of commercial satellite systems; and
(B) support related efforts with international entities or the private sector;
(2) the extent to which available data is made available to the public by Federal agencies to address cybersecurity risks and threats to commercial satellite systems, including resources made available through the clearinghouse;
(3) the extent to which commercial satellite systems and the cybersecurity threats to such systems are addressed in Federal and non-Federal critical infrastructure risk analyses and protection plans;
(4) the extent to which Federal agencies are reliant on satellite systems owned wholly or in part, or controlled by foreign entities, and how Federal agencies mitigate associated cybersecurity risks;
(5) the extent to which Federal agencies coordinate or duplicate authorities and take other actions focused on the cybersecurity of commercial satellite systems; and
(6) as determined appropriate by the Comptroller General of the United States, recommendations for further Federal action to support the cybersecurity of commercial satellite systems, including recommendations on information that should be shared through the clearinghouse.
(c) CONSULTATION.—In carrying out subsections (a) and (b), the Comptroller General of the United States shall coordinate with appropriate Federal agencies and organizations, including—
(1) the Department of Homeland Security;
(2) the Department of Commerce;
(3) the Department of Defense;
(4) the Department of Transportation;
(5) the Federal Communications Commission;
(6) the National Aeronautics and Space Administration;
(7) the Civilian Space Situational Awareness Program; and
(8) the National Space Council.
(d) BUREAUPING.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall provide a briefing to the appropriate congressional committees on the study conducted under subsection (a).
(e) CLASSIFICATION.—The report made under subsection (d) shall be unclassified but may include a classified annex.

SEC. 5154. RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.
(a) DEFINITIONS.—In this section:
(1) DIRECTOR.—The term "Director" means the Director of the Cybersecurity and Infrastructure Security Agency.
(2) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning given in the Small Business Act (15 U.S.C. 632).
(b) ESTABLISHMENT OF COMMERCIAL SATELLITE SYSTEM CYBERSECURITY CLEARINGHOUSE.—
(1) IN GENERAL.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Director shall develop and maintain a commercial satellite system cybersecurity clearinghouse.
(2) REQUIREMENTS.—The clearinghouse—
(A) shall be publicly available online;
(B) shall contain publicly available commercial satellite system cybersecurity resources, including voluntary recommendations consolidated under subsection (c)(1);
(C) shall contain appropriate materials for reference by entities that develop, operate, or maintain commercial satellite systems;
(D) shall contain materials specifically aimed at assisting small business concerns with the secure development, operation, and maintenance of commercial satellite systems; and
(E) may contain controlled unclassified information distributed to commercial entities through a process determined appropriate by the Director.
(3) CONTENT MAINTENANCE.—The Director shall maintain current and relevant cybersecurity information on the clearinghouse.
(4) EXISTING PLATFORM OR WEBSITE.—To the extent practicable, the Director shall establish and maintain, using an online platform, a website, or a capability in existence as of the date of enactment of this Act.
(c) CONSOLIDATION OF COMMERCIAL SATELLITE SYSTEM CYBERSECURITY RECOMMENDATIONS.—
(1) IN GENERAL.—The Director shall consolidate voluntary cybersecurity recommendations designed to assist in the development, maintenance, and operation of commercial satellite systems.
(2) REQUIREMENTS.—The recommendations consolidated under paragraph (1) shall include materials appropriate for a public resource addressing the following:
(A) Risk-aware informed engineering, including continuous monitoring and resiliency.
(B) Planning for retention or recovery of positive control of satellite systems in the event of a cybersecurity incident.
(C) Protection against unauthorized access to vital commercial satellite system functions.
(D) Physical protection measures designed to reduce the vulnerabilities of a commercial satellite system's command, control, and telemetry receiver systems.
(E) Protection against jamming, eavesdropping, hijacking, computer network exploitation, threats to local satellite communications, and electromagnetic pulse.
(F) Security against threats throughout a commercial satellite system's mission lifetime.
(G) Management of supply chain risks that affect the cybersecurity of commercial satellite systems.
(H) Protection against vulnerabilities posed by ownership of commercial satellite systems or commercial satellite system companies by foreign powers.
(I) Protection against vulnerabilities posed by locating physical infrastructure, such as satellite ground control systems, in foreign countries.
(J) As appropriate, and as applicable pursuant to the maintenance requirement under subsection (b)(3), relevant findings and recommendations from the study conducted by the Comptroller General of the United States under section 513(a).
(3) ANY OTHER RECOMMENDATIONS.—In making recommendations under section 513(a) or 514, the Director shall—
(I) to the extent practicable, carry out the implementation in partnership with the private sector;
(J) coordinate with—
(A) the National Space Council and the head of any other agency determined appropriate by the National Space Council; and
(B) appropriate Federal agencies with expertise and experience in satellite operations, including the entities described in subsection (c)(3) to enable the alignment of Federal efforts on commercial satellite system cybersecurity and, to the extent practicable, consistency in Federal recommendations relating to commercial satellite system cybersecurity; and
(K) consult with non-Federal entities developing commercial satellite systems or otherwise supporting the cybersecurity of commercial satellite systems, including private, consensus organizations that develop relevant standards.
(d) SUNSET AND REPORT.—
(1) IN GENERAL.—This section shall cease to have force or effect on the date that is 7 years after the date of the enactment of this Act.
(2) REPORT.—Not later than 6 years after the date of enactment of this Act, the Director shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Space, Science, and Technology of the House of Representatives a report summarizing—
(A) any partnership with the private sector described in subsection (d)(1);
(B) any consultation with a non-Federal entity described in subsection (d)(3);
(C) the coordination carried out pursuant to subsection (d)(2);
(D) the establishment and maintenance of the clearinghouse pursuant to subsection (b); and
(E) any feedback received by the Director on the clearinghouse from non-Federal entities.

SEC. 5155. STRATEGY.
Not later than 120 days after the date of enactment of this Act, the National Space Council, in coordination with the Director of the Office of Space Commerce and the heads of other relevant agencies, shall submit to the Committee on Commerce, Science, and Transportation of the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Space, Science, and Technology and the Committee on Homeland Security of the House of Representatives a strategy for the activities of Federal agencies to address and improve the cybersecurity of commercial satellite systems, which shall include an identification of—
(1) proposed roles and responsibilities for relevant agencies; and
(2) as applicable, the extent to which cybersecurity threats to such systems are addressed in Federal and non-Federal critical infrastructure risk analyses and protection plans.

SEC. 5156. RULES OF CONSTRUCTION.
Nothing in this subtitle shall be construed to—
(A) designate commercial satellite systems or other space assets as a critical infrastructure sector; or
(B) infringe upon or alter the authorities of the agencies described in this subtitle.

Subtitle G—Pray Safe Act
SEC. 5161. SHORT TITLE.
This subtitle may be cited as the "Pray Safe Act".

SEC. 5162. DEFINITIONS.
In this subtitle—
(1) the term "Clearinghouse" means the Federal Clearinghouse on Safety Best Practices and House of Worship founded under section 2220 of the Homeland Security Act of 2002, as added by section 5103 of this subtitle;
(2) the term "Department" means the Department of Homeland Security;
(3) the terms "faith-based organization" and "house of worship" have the meanings given in section 2220E of the Homeland Security Act of 2002, as added by section 5103 of this subtitle; and
(4) the term "Safe Act" means the Safe Act.
(4) the term ‘Secretary’ means the Secretary of Homeland Security.

SEC. 5163. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP. 

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 2220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

"(a) DEFINITIONS.—

"(1) the term ‘Clearinghouse’ means the Clearinghouse on Safety and Security Best Practices for Faith-Based Organizations and Houses of Worship established under subsection (b)(1);

"(2) the term ‘faith-based organization’ means a group, center, or nongovernmental organization with a religious, ideological, or spiritual motivation, character, affiliation, or purpose;

"(3) the term ‘house of worship’ means a place or building, including synagogues, mosques, temples, and churches, in which congregants practice their religious or spiritual beliefs; and

"(4) the term ‘safety and security’, for the purpose of the Clearinghouse, means prevention of, protection against, or recovery from threats, including manmade disasters, natural disasters, or violent attacks.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 270 days after the date of enactment of the Pray Safe Act, the Secretary, in consultation with the Attorney General, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and the head of any other agency that the Secretary determines appropriate, shall establish a Federal Clearinghouse on Safety and Security Best Practices for Faith-Based Organizations and Houses of Worship within the Department.

"(2) PURPOSE.—The Clearinghouse shall be the primary resource of the Federal Government—

"(A) to educate and publish online best practices and recommendations for safety and security for faith-based organizations and houses of worship; and

"(B) to provide information relating to Federal grant programs available to faith-based organizations and houses of worship.

"(c) PERSONNEL.—

"(A) ASSIGNMENTS.—The Clearinghouse shall be assigned such personnel and resources as the Secretary considers appropriate to carry out this section.

"(B) DETAIL.—The Secretary may coordinate detailees as required for the Clearinghouse.

"(d) DESIGNATED POINT OF CONTACT.—There shall not be less than 1 employee assigned or detailed to the Clearinghouse who shall be the designated point of contact to provide information to faith-based organizations and houses of worship, including assistance relating to the grant programs established under section 5165 of the Pray Safe Act. The designation of the employee or employee or employee shall be made available on the website of the Clearinghouse.

"(e) QUALIFICATION.—To the maximum extent practicable, the employee or employee or employee assigned or detailed to the Clearinghouse under this paragraph should be familiar with faith-based organizations and houses of worship and with federal, state, local, Tribal, and private resources available to identify and prevent safety and security risks.

"(f) CLEARINGHOUSE CONTENTS.—

"(1) CONTENTS.—

"(A) IN GENERAL.—The Secretary, in consultation with the Attorney General, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and the head of any other agency that the Secretary determines appropriate, shall develop targeted safety and security programs and disseminate to faith-based organizations and houses of worship.

"(B) REQUIREMENTS.—(i) strong evidence from not less than 1 well-designed and well-implemented experimental study; and

"(ii) moderate evidence from not less than 1 well-designed and well-implemented quasi-experimental study; and

"(2) CRITERIA FOR BEST PRACTICES AND RECOMMENDATIONS.—The best practices and recommendations of the Clearinghouse shall, at a minimum—

"(A) identify areas of concern for faith-based organizations and houses of worship, including—

"(i) findings and data from previous Federal, State, local, Tribal, territorial, private sector, and faith-based organizations and houses of worship; and

"(B) involve comprehensive safety measures, including threat prevention, preparedness, protection, mitigation, incident response, and recovery to improve the safety posture of faith-based organizations and houses of worship upon implementation; and

"(C) involve comprehensive safety measures, including threat prevention, preparedness, protection, mitigation, incident response, and recovery to improve the resiliency of faith-based organizations and houses of worship.

"(f) CONTRACTS.—The contracts awarded under this section shall, at a minimum—

"(A) identify areas of concern for faith-based organizations and houses of worship; and

"(B) involve comprehensive safety measures, including threat prevention, preparedness, protection, mitigation, incident response, and recovery to improve the safety posture of faith-based organizations and houses of worship.

"(g) INFECTION CONTROL ADVISORY COUNCIL.—The Secretary shall—

"(1) establish an Infection Control Advisory Council; and

"(2) include in the Clearinghouse—

"(A) a comprehensive index of all Federal grant programs available to faith-based organizations and houses of worship; and

"(B) information on the resources available through Federal, State, local, Tribal, territorial, private sector, and faith-based organizations and houses of worship.

"(h) INFECTION CONTROL.—The Clearinghouse shall establish and maintain a comprehensive index of all Federal grant programs available to faith-based organizations and houses of worship.

"(i) ASSESSMENT.—The Secretary shall submit to Congress, on an annual basis, a report on the updates made to the Clearinghouse during the current year under paragraph (1). The report shall include a description of any changes made to the Clearinghouse.

"(j) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—

"(1) by moving the item relating to section 2220E after the item relating to section 2220C; and

"(2) by inserting after the item relating to section 2220D the following:


SEC. 5164. NOTIFICATION OF CLEARINGHOUSE.

The Secretary shall provide written notification of the establishment of the Clearinghouse. "
SEC. 5165. GRANT PROGRAM OVERVIEW.
(a) DHS GRANTS AND RESOURCES.—The Secretary shall include a grants program overview on the website of the Clearinghouse that shall—
(1) be the primary location for all information on the federal department grant programs that are open to faith-based organizations and houses of worship;
(2) directly link to each grant application and any applicable user guides;
(3) identify all safety and security homeland security assistance programs managed by the Department that may be used to implement best practices and recommendations of the Clearinghouse;
(4) annually, and concurrent with the application period for any grant identified under paragraph (1), provide information related to the required elements of grant applications to aid smaller faith-based organizations and houses of worship in earning access to Federal assistance;
(5) provide frequently asked questions and answers for the implementation of best practices and recommendations of the Clearinghouse and best practices for applying for a grant identified under paragraph (1).
(b) OTHER FEDERAL GRANTS AND RESOURCES.—Each Federal agency notified under section 5164 shall provide necessary information on any Federal grant programs or resources of the Federal agency that are available for faith-based organizations and houses of worship to the Secretary or the appropriate point of contact for the Clearinghouse.
(c) STATE GRANTS AND RESOURCES.—
(1) GENERAL.—Any State notified under paragraph (1), (2), or (6) of section 5164 may provide necessary information on any grant programs or resources of the State available for faith-based organizations and houses of worship to the Secretary or the appropriate point of contact for the Clearinghouse.
(2) IDENTIFICATION OF RESOURCES.—The Clearinghouse shall provide a separate section for other resources that shall provide a centralized list of all available points of contact to seek assistance in grant applications and in carrying out the best practices and recommendations of the Clearinghouse, including—
(i) a list of contact information to reach Department personnel to assist with grant-related questions;
(ii) the applicable Cybersecurity and Infrastructure Security Agency contact information to reach the office of worship with Protective Security Advisors;
(iii) contact information for all Department Fusion Centers, listed by State;
(iv) the guidelines—if you see something say something Campaign of the Department; and
(v) any other appropriate contacts.
SEC. 5167. RULE OF CONSTRUCTION.
Nothing in this subtitle or the amendments made by this subtitle shall be construed to waive, satisfy, or waive any requirement under Federal civil rights laws, including—
(1) title II of the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);
(2) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);
SEC. 5168. EXEMPTION.
(a) Grants and resources.—Chapter 81, title 44, United States Code (commonly known as the ‘‘Paperwork Reduction Act’’) shall not apply to any rulemaking or information collection required under this subtitle or the requirements of the Homeland Security Act of 2002, as added by section 5163 of this subtitle.
(b) Subtitle H—Invent Here, Make Here for Homeland Security Act.
SEC. 5171. SHORT TITLE.
This subtitle may be cited as the ‘‘Invent Here, Make Here for Homeland Security Act’’.
SEC. 5172. PREFERENCE FOR UNITED STATES INDUSTRY.
Section 308 of the Homeland Security Act of 2002 (6 U.S.C. 168) is amended by adding at the end the following:
(4) PREFERENCE FOR UNITED STATES INDUSTRY.—
(1) IN GENERAL.—The term ‘country of concern’ means a country that—
(A) is a covered nation, as that term is defined in section 48(d) of title 10, United States Code; or
(B) the Secretary determines is engaged in conduct that is detrimental to the national security of the United States;
(2) FUNDING AGREEMENT; NONPROFIT ORGANIZATION; SUBJECT INVENTION.—The terms ‘funding agreement’, ‘nonprofit organization’, and ‘subject invention’ have the meanings given those terms in section 201 of title 35, United States Code.
(3) MANUFACTURED SUBSTANTIALLY IN THE UNITED STATES.—The term ‘manufactured substantially in the United States’ means manufactured substantially from all articles, materials, or supplies mined, produced, or manufactured in the United States;
(4) RELEVANT CONGRESSIONAL COMMITTEES.—The term ‘relevant congressional committees’ means—
(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and
(B) the Committee on Homeland Security of the House of Representatives;
(5) PREFERENCES.—The term ‘preferences’ means—
(A) in the heading, by inserting ‘‘STRATEGY AND’’ after ‘‘ESTABLISHMENT OF’’;
(B) in paragraph (9)—
(i) the number of personnel permanently assigned to each Joint Task Force by each component and office; and
(ii) the number of personnel assigned on a temporary basis to each Joint Task Force by each component and office;
SEC. 5181. SHORT TITLE.
This subtitle may be cited as the ‘‘DHS Joint Task Forces Reauthorization Act of 2022’’.
SEC. 5182. SENSE OF THE SENATE.
It is the sense of the Senate that the Committee on Homeland Security should consider using the authority under subsection (b) of section 708 of the Homeland Security Act of 2002 (6 U.S.C. 348(b)) to create a Joint Task Force described in such subsection to improve coordination and response to the number of encounters and amount of seizures of illicit narcotics along the southwest border.
Section 708(b) of the Homeland Security Act of 2002 (6 U.S.C. 348(b)) is amended—
(1) by striking paragraph (8) and inserting the following:
(8) JOINT TASK FORCE STAFF.—
(A) IN GENERAL.—Each Joint Task Force shall have a staff, composed of officials from relevant components and offices of the Department, to assist the Director of that Joint Task Force in carrying out the mission and responsibilities of that Joint Task Force.
(9) REPORT.—The Secretary shall include in the report submitted under paragraph (6)(F) that—
(i) the number of personnel permanently assigned to each Joint Task Force by each component and office; and
(ii) the number of personnel assigned on a temporary basis to each Joint Task Force by each component and office;
(2) in paragraph (9)—
(A) in the heading, by inserting ‘‘STRATEGY AND’’ after ‘‘ESTABLISHMENT OF’’;
(B) by striking subparagraph (A) and inserting the following:
‘‘(A) using leading practices in performance management and lessons learned by other Federal, State, and local law enforcement and other law enforcement task forces and joint operations, establish a strategy for each Joint Task Force that contains—
(i) a mission of each Joint Task Force and strategic goals and objectives to assist the Joint Task Force in accomplishing that mission; and
(ii) performance-based and other appropriate performance metrics to evaluate the effectiveness of each Joint Task Force and measure progress towards the goals and objectives described in clause (i), which include—
(I) targets for current and future fiscal years; and
(II) a description of the methodology used to establish those metrics and any limitations with respect to data or information used to assess performance’’;
(C) in subparagraph (B) —
(i) by striking ‘‘enactment of this section’’;
...
(ii) by inserting ‘‘strategy and’’ after ‘‘Senate the’’; and

(iii) by striking the period at the end and inserting ‘‘; and’’;

(D) in paragraph (A), in subparagraph (C) and inserting the following:

‘‘(C) beginning not later than 1 year after the date of enactment of the DHS Joint Task Force Reauthorization Act of 2022, submit annually to each committee specified in subparagraph (B) a report that—

(i) contains the evaluation described in subparagraphs (A) and (B); and

(ii) outlines the progress in implementing outcome-based and other performance metrics referred to in subparagraph (A)(i), (ii), and (III) by striking the period at the end and inserting the following: ‘‘, which shall include—

(i) the justification, focus, and mission of the Joint Task Force; and

(ii) a strategy for the conduct of the Joint Task Force, including goals and performance metrics for the Joint Task Force.’’;

(4) in paragraph (A), by striking ‘‘January 31, 2018, and January 31, 2021, the Inspector General of the United States’’;

(B) subparagraph (A), by striking clauses (i) and (ii) and inserting the following:

‘‘(i) an assessment of the structure of each Joint Task Force;

(ii) an assessment of the effectiveness of oversight over each Joint Task Force;

(iii) an assessment of the strategy of each Joint Task Force;

(iv) an assessment of staffing levels and resources of each Joint Task Force.’’;

and

(5) in paragraph (13), by striking ‘‘2022’’ and inserting ‘‘2023’’;

Subtitle J—Other Provisions

CHAPTER 1—CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS

SEC. 3519. CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS.

(a) TECHNICAL AMENDMENT RELATING TO DOTGOV OF ACT 2020.—


(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of the DOTGOV of Act 2020 (title IX of division U of Public Law 116–290).

(b) CONSOLIDATION OF DEFINITIONS.—

(1) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by inserting before the subtitle A heading the following:

‘‘SEC. 2200. DEFINITIONS. ’’;

(2) EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED, IN THIS TITLE:

‘‘(1) AGENCY.—The term ‘Agency’ means the Cybersecurity and Infrastructure Security Agency.

‘‘(2) AGENCY INFORMATION.—The term ‘agency information’ means information collected or maintained by or on behalf of an agency.

‘‘(3) AGENCY INFORMATION SYSTEM.—The term ‘agency information system’ means an information system used or operated by an agency or by another entity on behalf of an agency.

‘‘(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

‘‘(5) CRITICAL INFRASTRUCTURE INFORMATION.—The term ‘critical infrastructure information’ means—

(A) any critical information used or shared among customers or through an information system that may result in an unauthorized access to, use, disclosure, degradation, disruption, modification, or destruction of such information or systems, or with respect to such related consequences caused by an act of terrorism; and

(B) any other information that solely involves a violation of a consumer term of service or a consumer licensing agreement.

‘‘(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘cybersecurity threat’ means an action, not protected by the First Amendment to the Constitution of the United States, taken by or through an information system that is stored on, processed by, or transiting an information system.

‘‘(B) EXCLUSION.—The term ‘cybersecurity threat’ does not include an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability.

‘‘(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘defensive measure’ means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability.

‘‘(B) EXCLUSION.—The term ‘defensive measure’ does not include a measure that destroys, renders unusable, provides unauthorized access to, or otherwise compromises an information system or information stored on, processed by, or transiting such information system that is owned by, or controlled by, another agency operating the system.

‘‘(13) INCIDENT.—The term ‘incident’ means an occurrence that actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information or a system so as to ensure the availability, integrity, and reliability thereof.

‘‘(14) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term ‘Information Sharing and Analysis Organization’ means any formal or informal entity or collaboration created or employed by public or private sector organizations, for purposes of information for purposes of improving the security and resilience of critical infrastructure systems, including the protection of critical infrastructure assets, operations, and investments.

‘‘(A) gathering and analyzing critical infrastructure information, including information related to cybersecurity risks and incidents, in order to better understand security problems and interdependencies related to critical infrastructure, including cybersecurity risks and incidents, and protected systems, so as to ensure the availability, integrity, and reliability thereof;

‘‘(B) communicating or disclosing critical infrastructure information, including cybersecurity risks and incidents, to help prevent, detect, mitigate, or recover from the effects of an interference, a compromise, or an incapacitation problem that could cause an interference, a compromise, or an incapacitation problem that results in a cybersecurity risk or incident;

‘‘(C) voluntarily disseminating critical infrastructure information, including cybersecurity risks and incidents, to help prevent, detect, mitigate, or recover from the effects of an interference, a compromise, or an incapacitation problem that could cause an interference, a compromise, or an incapacitation problem that results in a cybersecurity risk or incident;

‘‘(D) any other attribute of a cybersecurity threat or security vulnerability.

‘‘(A) IN GENERAL.—The term ‘cybersecurity risk’ means the purpose of gathering technical information related to a cybersecurity threat or security vulnerability.

‘‘(B) CYBERSECURITY RISK.—The term ‘cybersecurity risk’ means—

(A) threats to and vulnerabilities of information or information systems and information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability.

‘‘(C) CYBERSECURITY RISK.—The term ‘cybersecurity risk’ means—

(A) threats to and vulnerabilities of information or information systems and information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability.

‘‘(D) any other attribute of a cybersecurity threat or security vulnerability.

‘‘(E) the Committee on Homeland Security and Governmental Affairs of the Senate; and

‘‘(F) the Committee on Homeland Security of the House of Representatives.

‘‘(G) any other attribute of a cybersecurity threat or security vulnerability.

‘‘(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘cybersecurity threat’ means an action, not protected by the First Amendment to the Constitution of the United States, taken by or through an information system that is stored on, processed by, or transiting an information system.

‘‘(B) EXCLUSION.—The term ‘cybersecurity threat’ does not include an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system.
term in section 3502 of title 44, United States Code.

“(16) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given the term ‘intelligence community’ defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

“(17) MONITOR.—The term ‘monitor’ means to acquire, identify, or scan, to possess, information on, processed by, or to transiting an information system.

“(18) NATIONAL CYBERSECURITY ASSET RESPONSE ACTIVITIES.—The term ‘national cybersecurity asset response activities’ means—

“A furnishing cybersecurity technical assistance to entities affected by cybersecurity risks, including all conjugations of each such terms).”.

“(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity risks, including all conjugations of each such terms), to acquire, identify, or scan, or to possess, information on, processed by, or transiting an information system,

“B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities,

“(C) providing guidance on how best to utilize Federal resources and capabilities in a timely, efficient manner to speed recovery from cybersecurity incidents.

“(19) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 1163 of title 49, United States Code.

“(20) SECTOR RISK MANAGEMENT AGENCY.—The term ‘Sector Risk Management Agency’ means a Federal department or agency, designated by law or Presidential directive, with responsibility for providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting the associated activities of its designated critical infrastructure sector in the all hazards environment in coordination with the Department.

“(21) SECURITY CONTROL.—The term ‘security control’ means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect an information system or its information.

“(22) SECURITY VULNERABILITY.—The term ‘security vulnerability’ means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

“(23) SHARING.—The term ‘sharing’ (including all conjugations thereof) means providing, receiving, and disseminating (including all conjugations of each such terms).”.


“(A) by amending section 2201 (6 U.S.C. 651) to read as follows:

“SEC. 2201. DEFINITION.

“In this subtitle, the term ‘Cybersecurity Advisory Committee’ means the advisory committee established under section 2219(a).”;

“(B) in section 2202 (6 U.S.C. 652)—

“(i) in subsection (a)(1), by striking “in this subsection referred to as the ‘Director’”;

“(ii) in subsection (b)(1), by striking “Executive” before “Assistant Director”;

“(III) in paragraph (2), by inserting “Executive” after “Assistant Director”;

“(II) in paragraph (2), by inserting “Executive” before “Assistant Director”;

“(C) in section 2209 (6 U.S.C. 659)—

“(i) by striking subsection (a);
“(17) SECURITY VULNERABILITY.—The term ‘security vulnerability’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.”.

(2) direct and timely sharing of classified and unclassified reports on cyber threats and activities and targeting of Senators, Members of the House of Representatives, or congressional staff, consistent with the protection of sources and methods;

(3) seating of cybersecurity personnel of the Office of the Sergeant at Arms and Doorkeeper of the Senate with respect to the Chief Administrative Officer of the House of Representatives at cybersecurity operations centers; and

(4) any other elements the parties find appropriate.

(e) BRIEFING TO CONGRESS.—Not later than 210 days after the date of enactment of this Act and at least quarterly, the President shall brief the Committee on Homeland Security and Governmental Affairs and the Committee on Rules and Administration of the Senate, the Committee on Oversight and Reform and the Committee on House Administration of the House of Representatives, and congressional leadership on congressional oversight actions that can help agencies implement such priority recommendations and address any underlying issues relating to such implementation.

(3) make publicly available the information described in paragraphs (1) and (2); and

(4) publish any known costs of unimplemented priority recommendations, if applicable.

Subtitle C—Advancing American AI Act

SEC. 5221. SHORT TITLE.

This subtitle may be cited as the “Advancing American AI Act.”

SEC. 5222. PURPOSES.

The purposes of this subtitle are to—

(1) encourage agency artificial intelligence-related programs and initiatives that enhance and extend the capabilities of the United States and foster an approach to artificial intelligence that builds on the strengths of the United States in innovation and entrepreneurialism;

(2) enhance the ability of the Federal Government to translate research advances into artificial intelligence applications to modernize systems and assist agency leaders in fulfilling their missions;

(3) promote adoption of modernized business practices and advanced technologies from the Federal Government that align with the values of the United States, including the protection of privacy, civil rights, and civil liberties; and

(4) test and harness applied artificial intelligence to enhance mission effectiveness and business practice efficiency.
SEC. 5224. PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL INTELLIGENCE IN GOVERNMENT.

(a) GUIDANCE.—The Director shall, when developing the guidance required under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–260), consider—

(1) the considerations and recommended practices identified by the National Security Commission on Artificial Intelligence in the report entitled “Key Considerations for the Responsible Development and Fielding of AI” (March 2021);

(2) the principles articulated in Executive Order 13960 (85 Fed. Reg. 78939; relating to promoting the use of trustworthy artificial intelligence in Government); and

(3) the input of—

(A) the Privacy and Civil Liberties Oversight Board;

(B) relevant interagency councils, such as the Federal Privacy Council, the Chief Information Officers Council, and the Chief Data Officers Council;

(C) other governmental and nongovernmental privacy, civil rights, and civil liberties experts; and

(D) any other individual or entity the Director determines to be appropriate.

(b) DEPARTMENT POLICIES AND PROCESSES FOR PROCUREMENT AND USE OF ARTIFICIAL INTELLIGENCE-ENABLED SYSTEMS.—Not later than 180 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security, with the participation of the Chief Procurement Officer and the Chief Information Officer, the Chief Privacy Officer, and the Officer for Civil Rights and Civil Liberties of the Department and any other person determined to be appropriate by the Secretary of Homeland Security, shall issue policies and procedures for the Department related to—

(A) the acquisition and use of artificial intelligence; and

(B) considerations for the risks and impacts related to artificial intelligence-enabled systems; and

(2) the Department shall develop and maintain a database of machine learning systems, to ensure that full consideration is given to—

(i) the privacy, civil rights, and civil liberties impacts of artificial intelligence-enabled systems; and

(ii) security against misuse, degradation, or rendering inoperable of artificial intelligence-enabled systems;

(c) SHARING.—The sharing of agency inventories described in subsection (a)(2) may be accomplished through—

(1) the Office of the Inspector General, the Chief Information Officers Council, the Chief Data Officers Council, or other interagency bodies as determined to be appropriate by the Director, shall identify any training and investments needed to enable employees of the Office of the Inspector General to continually advance their understanding of—

(I) artificial intelligence systems;

(II) best practices for governance, oversight, and use of artificial intelligence systems; and

(III) how the Office of the Inspector General is using artificial intelligence to enhance audit and investigatory capabilities, including actions to—

(aa) ensure the integrity of audit and investigative results; and

(bb) guard against bias in the selection and conduct of audits and investigations.

(d) ARTIFICIAL INTELLIGENCE HYGIENE AND PROTECTION OF GOVERNMENT INFORMATION, PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with a group consisting of members selected by the Director from appropriate interagency councils, shall develop an initial manual by which to—

(A) ensure that contracts for the acquisition of an artificial intelligence system or service—

(I) align with the guidance issued to the head of each agency under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–260); and

(II) address the privacy, security, and other requirements of privacy, civil rights, and civil liberties;

(ii) address the ownership and security of data and other information created, used, processed, transmitted without, inoperable, misused, or surrendered; and

(III) address any other issue or concern determined to be relevant by the Director to ensure appropriate use and protection of privacy and Government data and information; and

(B) address any other issue or concern determined to be relevant by the Director to ensure appropriate use and protection of privacy and Government data and information; and

(iv) include considerations for securing the training data, algorithms, and other components of any artificial intelligence system against misuse, unauthorized alteration, degradation, rendering inoperable, misuse, and abuse;

(2) CONSULTATION.—In developing the consultation under paragraph (1)(A)(iv), the Director shall consult with the Secretary of Homeland Security, the Secretary of Energy, the Director of the National Institute of Standards and Technology, and the Director of the National Intelligence;

(3) REVIEW.—The Director—

(A) should continuously update the means developed under paragraph (1); and

(B) not later than 2 years after the date of enactment of this Act and not less frequently than every 2 years thereafter, shall update the means developed under paragraph (1).

(4) BRIEFING.—The Director shall brief the appropriate congressional committees—

(A) continuously thereafter for a period of 5 years after the date of enactment of this Act and thereafter on a quarterly basis until the Director first implements the means developed under paragraph (1); and

(B) annually thereafter on the implementation of this subsection.

(S) SUNSET.—This subsection shall cease to be in effect on the date of the last update after the date of enactment of this Act.

SEC. 5225. AGENCY INVENTORIES AND ARTIFICIAL INTELLIGENCE USE CASES.

(a) INVENTORY.—Not later than 90 days after the date of enactment of this Act, and continuously thereafter for a period of 5 years, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall require the head of each agency to—

(1) prepare and maintain an inventory of the artificial intelligence use cases of the agency, including current and planned uses;

(2) share agency inventories with other agencies, to the extent practicable and consistent with applicable law and policy, including those concerning protection of privacy, civil rights, civil liberties, national security, and other protected information; and

(3) make agency inventories available to the public, in a manner determined by the Director, and to the extent practicable and in accordance with applicable law and policy, including those concerning the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) CENTRAL INVENTORY.—The Director is encouraged to designate a host entity and ensure the creation and maintenance of an online public directory to—

(1) make agency artificial intelligence use case information available to the public and those wishing to do business with the Federal Government; and

(2) identify common use cases across agencies.

(c) SHARING.—The sharing of agency inventories described in subsection (a)(2) may be accomplished through—

(1) the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall identify 4 use cases for the application of artificial intelligence-enabled systems to support interagency or intra-agency modernization initiatives that require linking multiple internal and external data sources, consistent with applicable laws and policies, including those relating to the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) PILOT PROGRAM.—
(1) PURPOSE.—The purposes of the pilot program under this subsection include—
(A) to enable agencies to operate across organizational boundaries, coordinating between and aligning programs and silos to improve delivery of the agency mission; and
(B) to demonstrate the circumstances under which artificial intelligence can be used to modernize or assist in modernizing legacy agency systems.

(2) DEPLOYMENT AND PILOT.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall ensure the initiation of the piloting of the 4 new artificial intelligence case applications identified under subsection (a), leveraging commercially available technologies and systems to demonstrate scalable artificial intelligence-enabled capabilities to support the use cases identified under subsection (a).

(3) RISK EVALUATION AND MITIGATION PLAN.—In carrying out paragraph (2), the Director shall require the heads of agencies to—
(A) evaluate risks in utilizing artificial intelligence systems; and
(B) develop a risk mitigation plan to address those risks, including consideration of—
(i) the artificial intelligence system not performing as expected;
(ii) the lack of sufficient or quality training data; and
(iii) the vulnerability of a utilized artificial intelligence system to unauthorized manipulation or misuse.

(4) PROCUREMENT.—In carrying out paragraph (2), the Director shall prioritize modernization projects that—
(A) would benefit from commercially available privacy-preserving techniques, such as use of differential privacy, federated learning, and secure multiparty computing; and
(B) otherwise take into account considerations of civil rights and civil liberties.

(5) USE CASE MODERNIZATION APPLICATION AREAS.—Use case modernization application areas described in paragraph (2) shall include not less than 1 from each of the following categories:
(A) Applied artificial intelligence to drive agency productivity efficiencies in predictive supply chain and logistics, such as—
(i) predictive food demand and optimized supply;
(ii) predictive medical supplies and equipment; and
(iii) predictive logistics to accelerate disaster preparedness, response, and recovery.
(B) Applied artificial intelligence to accelerate government return and address mission-oriented challenges, such as—
(i) applied artificial intelligence portfolio management for agencies;
(ii) strategic plan refinement and upskilling;
(iii) redundant and laborious analyses;
(iv) determining compliance with Government requirements, such as with grants management; or
(v) outcomes measurement to measure economic and social benefits.

(6) REQUIREMENTS.—Not later than 3 years after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall establish and maintain organizational intelligence capability within each of the 4 use case pilots under this subsection that—
(A) solves data access and usability issues with the appropriate and aligned technology and eliminates or minimizes the need for manual data cleansing and harmonization efforts;
(B) continuously and automatically ingests data and updates domain models in near real-time to help identify new patterns and predict trends, to the extent possible, to help agencies make better decisions and take faster actions;
(C) organizes data for meaningful data visualization and analysis so the Government has granular awareness for situational awareness to improve use case outcomes;
(D) is rapidly configurable to support multiple applications and automatically adapts to dynamic conditions and evolving use case requirements, to the extent possible
(E) enables knowledge transfer and collaboration across agencies; and
(F) preserves and protects property rights to the data and output for benefit of the Federal Government and agencies.

(c) BRIEFING.—Not earlier than 270 days but not later than 1 year after the date of enactment of this Act, and annually thereafter for 4 years, the Director shall brief the appropriate congressional committees on the activities carried out under this section and results of those activities.

(d) SUNSET.—The section shall cease to be effective on the date that is 15 years after the date of enactment of this Act.

SEC. 5227. ENABLING ENTREPRENEURS AND AGENCY MISSIONS.

(a) INNOVATIVE COMMERCIAL ITEMS.—Section 880 of the National Defense Authorization Act for Fiscal Year 2017 (41 U.S.C. 3301 note) is amended as follows:
(B) to demonstrate the circumstances to support the use cases identified under subsection (a), leveraging commercially available technologies and systems to demonstrate scalable artificial intelligence-enabled capabilities to support the use cases identified under subsection (a).

(b) CONTENTS.—The strategic plan required under subsection (a) shall—
(1) maximize both cost and environmental efficiencies; and
(2) incorporate—
(A) guidelines for optimal charging practices to maximize battery longevity and prevent premature degradation;
(B) guidelines for reusing and recycling the batteries of retired vehicles;
(C) guidelines for disposing electric vehicle batteries that cannot be reused or recycled; and
(D) any other considerations determined appropriate by the Administrator and Director.

(c) MODIFICATION.—The Administrator, in consultation with the Director, may periodically update the strategic plan required under subsection (a) as the Administrator and Director may determine necessary based on new information relating to electric vehicle batteries that becomes available.

(d) CONSULTATION.—In developing the战略 plan required under subsection (a) the Administrator, in consultation with the Director, may consult with appropriate entities, including—
(1) the Secretary of Energy;
(2) the Administrator of the Environmental Protection Agency;
(3) the Chair of the Council on Environmental Quality;
(4) scientists who are studying electric vehicle batteries and reuse and recycling solutions; and
(5) laboratories, companies, colleges, universities, or start-ups engaged in battery use, reuse, and recycling research.

(e) USE CASE MODERNIZATION APPLICATION AREAS.—Use case modernization application areas described in paragraph (2) shall include not less than 1 from each of the following categories:
(A) Applied artificial intelligence to drive agency productivity efficiencies in predictive supply chain and logistics, such as—
(i) predictive food demand and optimized supply;
(ii) predictive medical supplies and equipment; and
(iii) predictive logistics to accelerate disaster preparedness, response, and recovery.
(B) Applied artificial intelligence to accelerate government return and address mission-oriented challenges, such as—
(i) applied artificial intelligence portfolio management for agencies;
(ii) strategic plan refinement and upskilling;
(iii) redundant and laborious analyses;
(iv) determining compliance with Government requirements, such as with grants management; or
(v) outcomes measurement to measure economic and social benefits.

SEC. 5228. INTELLIGENCE COMMUNITY EXPECTATION.

(a) ADMINISTRATOR.—The term ‘‘Administrator’’ means the Administrator of General Services.

(b) AGENCY.—The term ‘‘agency’’ has the meaning given the term in section 551 of title 5, United States Code.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means—
(A) the Committee on Homeland Security and Governmental Affairs of the Senate;
(B) the Committee on Oversight and Reform of the House of Representatives;
(C) the Committee on Environment and Public Works of the Senate; and
(D) the Committee on Energy and Commerce of the House of Representatives.

(d) DIRECTOR.—The term ‘‘Director’’ means the Director of the Office of Management and Budget.

SEC. 5229. STRATEGIC GUIDANCE.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Director, shall coordinate with the heads of agencies to develop a comprehensive, strategic plan for Federal electric vehicle fleet battery management.

(b) CONTENTS.—The strategic plan required under subsection (a) shall—
(1) maximize both cost and environmental efficiencies; and
(2) incorporate—
(A) guidelines for optimal charging practices that will maximize battery longevity and prevent premature degradation;
(B) guidelines for reusing and recycling the batteries of retired vehicles;
(C) guidelines for disposing electric vehicle batteries that cannot be reused or recycled; and
(D) any other considerations determined appropriate by the Administrator and Director.

(c) MODIFICATION.—The Administrator, in consultation with the Director, may periodically update the strategic plan required under subsection (a) as the Administrator and Director may determine necessary based on new information relating to electric vehicle batteries that becomes available.

(d) CONSULTATION.—In developing the strategic plan required under subsection (a) the Administrator, in consultation with the Director, may consult with appropriate entities, including—
(1) the Secretary of Energy;
(2) the Administrator of the Environmental Protection Agency;
(3) the Chair of the Council on Environmental Quality;
(4) scientists who are studying electric vehicle batteries and reuse and recycling solutions; and
(5) laboratories, companies, colleges, universities, or start-ups engaged in battery use, reuse, and recycling research.

(e) USE CASE MODERNIZATION APPLICATION AREAS.—Use case modernization application areas described in paragraph (2) shall include not less than 1 from each of the following categories:
(A) Applied artificial intelligence to drive agency productivity efficiencies in predictive supply chain and logistics, such as—
(i) predictive food demand and optimized supply;
(ii) predictive medical supplies and equipment; and
(iii) predictive logistics to accelerate disaster preparedness, response, and recovery.
(B) Applied artificial intelligence to accelerate government return and address mission-oriented challenges, such as—
(i) applied artificial intelligence portfolio management for agencies;
(ii) strategic plan refinement and upskilling;
(iii) redundant and laborious analyses;
(iv) determining compliance with Government requirements, such as with grants management; or
(v) outcomes measurement to measure economic and social benefits.

(f) REQUIREMENTS.—Not later than 3 years after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall establish and maintain organizational intelligence capability within each of the 4 use case pilots under this subsection that—
(A) solves data access and usability issues with the appropriate and aligned technology and eliminates or minimizes the need for manual data cleansing and harmonization efforts;
SEC. 5234. ESTABLISHMENT OF ONLINE PORTAL FOR CONGRESSIONALLY MANDATED REPORTS.

(a) Requirement to establish online portal.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Director shall establish and maintain an online portal accessible by the public that allows the public online access to electronic copies of congressionally mandated reports in one place.

(b) Content and function.—The Director shall ensure that the reports online portal includes the following:

(1) a citation to the statute requiring the report;

(2) an electronic copy of the report, including any transmittal letter associated with the report, that—

(A) is based on an underlying open data standard that is maintained by a standards organization;

(B) allows the full text of the report to be searchable;

and (iii) is not encumbered by any restrictions that would impede the reuse or searchability of the report.

(3) the ability to retrieve a report, to the extent practicable, through searches based on each, and any combination, of the following:

(i) the title of the report.

(ii) the reporting Federal agency.

(iii) the date of publication.

(iv) the congressional committee or subcommittee receiving the report, if applicable.

(v) the statute requiring the report.

(vi) subject tags.

(vii) a unique alphanumeric identifier for the report that is consistent across report editions.

(viii) the serial number, Superintendent of Documents number, or other identification number for the report, if applicable.

(ix) key words.

(x) full text search.

(xi) any other relevant information specified by the Director.

(d) Deadline.—The Director shall ensure that information required to be published on the reports online portal under this subtitle with respect to a congressionally mandated report or information required under subsection (c) of this section is published not later than 30 days after the date on which the information is received from the Federal agency involved.

(e) Exception for certain reports.—

(1) Exception described.—A congressionally mandated report which is required by statute to be submitted to a committee of Congress or a subcommittee thereof, including any transmittal letter associated with the report, shall not be submitted to or published on the reports online portal if the chair of a committee or subcommittee to which the report is submitted notifies the Director in writing that the report is to be withheld from submission and publication under this subtitle.

(2) Notice on portal.—If a report is withheld from submission to or publication on the reports online portal under paragraph (1), the Director shall post on the portal—

(A) a statement that the report is withheld at the request of a committee or subcommittee involved; and

(B) the written notification provided by the chair of the committee or subcommittee specified in paragraph (1).

(f) Free access.—The Director may not charge a fee, require registration, or impose any other limitation in exchange for access to the reports online portal.

(g) Upgrade capability.—The reports online portal shall be enhanced and updated as necessary to carry out the purposes of this subtitle.

(h) Submission to Congress.—The submission of a congressionally mandated report to the reports online portal under this subtitle shall not be construed to satisfy any requirement to submit the congressionally mandated report to Congress, or a committee or subcommittee thereof.

SEC. 5244. FEDERAL AGENCY RESPONSIBILITIES.

(a) Submission of electronic copies of reports.—Not earlier than 30 days or later than 60 days after the date on which a congressionally mandated report is required to be submitted to either House of Congress or to any committee of Congress or subcommittee thereof,
the head of the Federal agency submitting the congressionally mandated report shall submit to the Director the information required under subparagraphs (A) through (D) of section 5247(b)(4) with respect to the congressionally mandated report. Notwithstanding section 5246, nothing in this subtitle shall relieve a Federal agency of any other requirement to publish the congressionally mandated report on the online portal of the Federal agency or otherwise submit the congressionally mandated report to Congress, a specific committee of Congress, or subcommittees thereof.

(b) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Director, in consultation with the Director of Management and Budget, shall issue guidance to agencies on the implementation of this subtitle.

(c) STRUCTURE OF SUBMITTED REPORT DATA.—The head of each Federal agency shall ensure that each congressionally mandated report submitted to the Director complies with the guidance on the implementation of this subtitle issued by the Director of the Office of Management and Budget under subsection (b).

(d) POINT OF CONTACT.—The head of each Federal agency shall designate a point of contact for congressionally mandated reports.

(e) REQUIREMENT FOR SUBMISSION.—The Director shall not publish any report through the reports online portal that is received from or otherwise in the possession of the head of the applicable Federal agency, or an officer or employee of the Federal agency specifically designated by the head of the Federal agency.

SEC. 5245. CHANGING OR REMOVING REPORTS.

(a) AUTHORITY TO CHANGE OR REMOVE REPORTS.—Except as provided in subsection (b), the head of the Federal agency concerned may change or remove a congressionally mandated report submitted to the reports online portal if—

(1) the head of the Federal agency consults with each committee of Congress or subcommittee thereof to which the report is required to be submitted (or, in the case of a report which is not required to be submitted to a committee of Congress or subcommittee thereof, to each committee with jurisdiction over the agency, as determined by the head of the agency in consultation with the chair of the House of Representatives and the President pro tempore of the Senate) prior to changing or removing the report; and

(2) a joint resolution is enacted to authorize the change in or removal of the report.

(b) EXCEPTIONS.—Notwithstanding subsection (a), the head of the Federal agency concerned—

(1) may make technical changes to a report submitted to or published on the reports online portal; and

(2) may remove a report from the reports online portal if the report was submitted to or published on the reports online portal in error.

(c) COST SHARING.—All costs to carry out a feasibility study in accordance with this section shall be shared in accordance with the cost sharing requirements otherwise applicable to the study.

SEC. 5246. WITHHOLDING OF INFORMATION.

(a) IN GENERAL.—Nothing in this subtitle shall be construed to—

(1) require the disclosure of information, records, or reports that are exempt from public disclosure under section 552 of title 5, United States Code, or that are required to be withheld under section 552a of title 5, United States Code; or

(2) require an affirmative duty on the Director to review congressionally mandated reports submitted for publication to the reports online portal for the purpose of identifying and redacting such information or records.

(b) WITHHOLDING OF INFORMATION.—(1) In general.—In a congressionally mandated report submitted to the reports online portal, the head of a Federal agency may withhold from the Director, and from publication on the reports online portal, any part of the information that is exempt from public disclosure under section 552 of title 5, United States Code, or that are required to be withheld under section 552a of title 5, United States Code.

(2) NATIONAL SECURITY.—Nothing in this subtitle shall be construed to require the public disclosure of any congressionally mandated report—

(A) containing information that is law enforcement sensitive, or

(B) that describes information security policies, procedures, or activities of the executive branch.

(c) RESPONSIBILITY FOR WITHHOLDING OF INFORMATION.—In withholding congressionally mandated reports to the reports online portal in accordance with this subtitle, the head of each Federal agency shall be responsible for withholding pursuant to the requirements of this section.

SEC. 5247. IMPLEMENTATION.

(a) REPORTS SUBMITTED TO CONGRESS.—(1) IN GENERAL.—This subtitle shall apply with respect to any congressionally mandated report which—

(A) is required by statute to be submitted to the House of Representatives, or the Speaker thereof, or the Senate, or the President or President Pro Tempore thereof, at any time on or after the date of the enactment of this Act; or

(B) is included by the Clerk of the House of Representatives or the Secretary of the Senate (as the case may be) on the list of reports required to be submitted to Congress by a statute enacted before the date of the enactment of this Act.

(2) TRANSITION RULE FOR PREVIOUSLY SUBMITTED REPORTS.—To the extent practicable, the Director shall ensure that any congressionally mandated report described in paragraph (1)(B) which is required to be submitted to Congress by a statute enacted before the date of the enactment of this Act is published on the reports online portal under this subtitle.

(b) REPORTS SUBMITTED TO COMMITTEES.—In the case of congressionally mandated reports which are required by statute to be submitted to a committee of Congress or a subcommittee thereof, this subtitle shall apply with respect to—

(1) any such report which is first required to be submitted by a statute which is enacted on or after the date of the enactment of this Act; and

(2) to the maximum extent practical, any congressionally mandated report which was required to be submitted by a statute enacted before the date of enactment of this Act unless—

(A) the chair of the committee, or subcommittee thereof, to which the report was required to be submitted notifies the Director in writing that the report is to be withheld from publication on the reports online portal; or

(B) the Director publishes the notification on the reports online portal.

(c) ACCESS FOR CONGRESSIONAL LEADERSHIP.—Notwithstanding any provision of this subtitle or any other provision of law, congressional leadership shall have access to congressionally mandated reports.

SEC. 5248. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this subtitle, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ‘‘Budgetary Effects of PAYGO Legislation’’ for this subtitle submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on this subtitle.

DIVISION J—WATER RESOURCES DEVELOPMENT ACT OF 2022

SEC. 5001. SHORT TITLE.

This division may be cited as the ‘‘Water Resources Development Act of 2022’’.

SEC. 5002. DEFINITION OF SECRETARY.

In this division, the term ‘‘Secretary’’ means the Secretary of the Army.

TITLE LI—GENERAL PROVISIONS

SEC. 5101. SCOPE OF FEASIBILITY STUDIES.

(a) FLOOD AND COASTAL STORM RISK MANAGEMENT.—In carrying out a feasibility study for a project for flood or coastal storm risk management, the Secretary, at the request of the non-Federal interest for the study, shall formulate alternatives to maximize net benefits from the reduction of the comprehensive flood risk that is identified through a holistic evaluation of the isolated and compound effects of—

(1) a riverine discharge of any magnitude or frequency;

(2) a flood wave, wave, or frequency coinciding with a hurricane or coastal storm;

(3) a tide of any magnitude or frequency;

(4) a rainfall event of any magnitude or frequency;

(5) seasonal variation in water levels;

(6) groundwater emergence;

(7) sea level rise;

(8) subsidence; or

(9) any other driver of flood risk affecting the study area.

(b) WATER SUPPLY, WATER SUPPLY CONSERVATION, AND DISCUSSION OF FEASIBILITY.—Notwithstanding any provision of this Act, the Secretary, at the request of the non-Federal interest for the study, shall formulate an alternative—

(1) to maximize combined net benefits for the primary purpose of the study and for water supply, water supply conservation, and drought risk reduction; or

(2) to include 1 or more measures for the purpose of water supply, water supply conservation, or drought risk reduction.

(c) COST SHARING.—All costs to carry out a feasibility study in accordance with this section shall be shared in accordance with the cost share requirements otherwise applicable to the study.

SEC. 5102. SHORELINE AND RIVERBANK PROTECTION AND RESTORATION MISSION.

(a) DECLARATION OF POLICY.—Congress declares that—

(1) consistent with the civil works mission of the Corps of Engineers, it is the policy of the United States to protect and restore the shorelines, riverbanks, and streambanks of the United States from the damaging impacts of extreme weather events and other factors contributing to the vulnerability of coastal and riverine communities and ecosystems;

(2) the Chief of Engineers shall give priority consideration to the protection and restoration of the shorelines, riverbanks, and streambanks from erosion and other damaging impacts of extreme weather events in

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(B) FEDERAL INTEREST DETERMINATION.—
The first $100,000 of the costs of a study under this section shall be at full Federal expense.;

(ii) paragraph (2)—
(I) in the paragraph heading, by striking “FLOOD CONTROL”; and
(II) by striking subparagraph (A) and inserting the following:
(A) IN GENERAL.—Design and construction of a nonstructural measure or project, a measure or project described in section 118(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)), or for a measure or project for environmental restoration, shall be subject to cost sharing in accordance with section 1184(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213), except that the non-Federal share of the cost to design and construct a project benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260)) shall be 10 percent.;

(iii) in paragraph (3)—
(I) in the paragraph heading, by striking “CONTROL,” and inserting “AND COASTAL STORM RISK”; and
(II) by striking “control” and inserting “and coastal storm risk management”; and
(III) by striking section 105(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)) and inserting “section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), except that the non-Federal share of the cost to design and construct a project benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260)) shall be 10 percent.;

(E) in subsection (d)—
(I) by striking paragraph (2);
(ii) by striking the subsection designation and heading and all that follows through “Notwithstanding” in paragraph (1) in the matter preceding subparagraph (A) and inserting the following:
(1) PROJECT JUSTIFICATION.—Notwithstanding;

(iii) by redesignating subparagraphs (A) through (H) as subparagraphs (A) through (H), respectively, and indenting appropriately; and
(iv) in paragraph (1) (as so redesignated)—
(I) by inserting “or coastal storm” after “flood”;

(ii) by inserting “including erosion or riverbank or streambank failures” after “damages”;

(2) in subsection (e)—
(I) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (GG), respectively, and indenting appropriately;

(ii) in the matter preceding subparagraph (A) (as so redesignated), by striking “in carrying out” and inserting the following:
(1) IN GENERAL.—In carrying out; and
(II) by adding at the end the following:
(2) PRIORITY PROJECTS.—In carrying out this section after the date of enactment of the Water Resources Development Act of 2022, the Secretary shall prioritize projects for the following locations:
(A) Delaware beaches and watersheds, Delaware.
(B) Louisiana Coastal Area, Louisiana.
(C) Great Lakes Shores and Watersheds.
(D) Oregon Coastal Area, Oregon.
(E) Upper Missouri River Basin.
(F) Chesapeake Bay watershed and Maryland beaches, Maryland.
(G) by striking paragraph (2) and inserting the following:
(H) by redesigning subsection (b) as subsection (f); and
(I) in subsection (f) (as so redesignated), by striking paragraph (2) and inserting the following:
(1) PROJECTS REQUIRING SPECIFIC AUTHORIZATION.—The Secretary shall not carry out a project until Congress enacts a law authorizing the Secretary to carry out the project, if the Federal share of the cost to design and construct the project exceeds—
(A) $20,000,000, in the case of a project benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260));

(B) $23,000,000, in the case of a project other than a project benefitting an economically disadvantaged community (as so defined); that
(1) is for purposes of environmental restoration; or
(2) derives not less than 50 percent of the erosion, flood, or coastal storm risk reduction benefits from nonstructural measures or measures described in section 118(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)); or

(2) in the undesignated matter following paragraph (3), in the second sentence, by striking “One-half of such costs” and inserting “One-half of such costs”; and

(3) in the undesignated matter following paragraph (3), in the second sentence, by striking “One-half of such costs” and inserting “50 percent of such costs”.

SEC. 5103. INLAND WATERWAY PROJECTS.

(a) IN GENERAL.—Section 102(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2212(a)) is amended—

(1) by striking “fiscal years 2021 through 2022”.

(b) APPLICATION.—The amendments made by subsection (a) shall apply to new and ongoing projects beginning on October 1, 2022.

(c) CONFORMING AMENDMENT.—Section 109 of the Water Resources Development Act of 2020 (33 U.S.C. 2212 note; Public Law 116–260) is amended by striking “fiscal years 2021 through 2023” and inserting “fiscal years 2022 through 2024”.

SEC. 5104. PROTECTION AND RESTORATION OF OTHER FEDERAL LAND ALONG RIVERS AND COASTS.

(a) IN GENERAL.—The Secretary is authorized to use funds made available to the Secretary for water resources development purposes to construct, at full Federal expense, a measure benefitting Federal land under the administrative jurisdiction of another Federal agency, if the measure—

(1) is included in a report of the Chief of Engineers or other decision document for a water resources development project that is specifically authorized by Congress;

(2) is included in a detailed project report (as defined in section 105(d) of the Water Resources Development Act of 1866 (33 U.S.C. 221)); or

(3) utilizes dredged material from a water resources development project beneficially.

(b) APPLICABILITY.—This section shall apply to a measure for which construction is initiated after the date of enactment of this Act.

(c) EXCLUSION.—In this section, the term “Federal land” does not include a military installation.
(d) SAVINGS PROVISIONS.—Nothing in this section precludes—

(1) a Federal agency with administrative jurisdiction over Federal land from contributing the costs of a project described in subsection (a) that benefits land; or

(2) the Secretary, at the request of the non-Federal sponsor, to carry out a study for a project for flood or coastal storm risk management, from using funds made available to the Secretary for water resources development investigations in each fiscal year to formulate measures to reduce risk to a military installation, if the non-Federal interest shares in the cost to formulate those measures to the same extent that the non-Federal interest is required to share in the cost of the study.

(e) REPEAL.—

(1) IN GENERAL.—Section 1025 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2226) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1195) is amended by striking the item relating to section 1025.

SEC. 5105. POLICY AND TECHNICAL STANDARDS.

Consistent with the 5-year administrative publication life cycle of the Department of the Army, the Secretary shall revise, rescind, or certify as current, as applicable, each of the civil works programs of the Corps of Engineers.

SEC. 5106. PLANNING ASSISTANCE TO STATES.

(a) IN GENERAL.—Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking “section 236 of title 10” and inserting “section 411 of title 10”;

(B) by adding at the end the following:

“(4) PRIORITIZATION.—To the maximum extent practicable, the Secretary shall prioritize activities under this subsection to address both inland and coastal life safety risks.”;

(2) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively;

(3) by inserting after subsection (a) the following:

“(b) OUTREACH.—

“(1) IN GENERAL.—The Secretary is authorized to carry out activities, at full Federal expense, to—

“(A) inform and educate States and other non-Federal interests about the missions, programs, policies, and procedures of the Corps of Engineers; and

“(B) engage with States and other non-Federal interests to identify specific opportunities to partner with the Corps of Engineers to address water resources development needs.

“(2) STAFF.—The Secretary shall designate staff in each district office of the Corps of Engineers to provide assistance under this subsection.”; and

(4) in subsection (d) (as so redesignated), by adding at the end the following:

“(3) OUTREACH.—There is authorized to be appropriated $30,000,000 for each fiscal year to carry out subsection (b).

“(4) PRIORITIZATION.—To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this section to economically disadvantaged communities (as defined pursuant to section 169 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260)).

(b) CONFORMING AMENDMENT.—Section 1034(b) of the Water Resources Reform and Development Act of 2014 (42 U.S.C. 4313(b)(3)(B)) is amended by striking section ‘‘22(b) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16(b))’’ and inserting ‘‘section 22(c) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16(c)).’’

SEC. 5107. FLOODPLAIN MANAGEMENT SERVICES.

Section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a) is amended—

(1) in subsection (a)—

(A) in the second sentence, by striking ‘‘Surveys and guides’’ and inserting the following:

“(2) SURVEYS AND GUIDES.—Surveys and guides;

(B) in the first sentence—

(i) by inserting ‘‘identification of areas subject to floods due to accumulated snags and other vegetation’’ after ‘‘inundation by floods of various magnitudes and frequencies,’’; and

(ii) by striking ‘‘in recognition’’ and inserting the following:

“(1) IN GENERAL.—In recognition’’; and

(C) by adding at the end the following:

“(3) IDENTIFICATION OF ASSISTANCE.—

“(A) IN GENERAL.—To the maximum extent practicable, in providing assistance under this subsection, the Secretary shall identify and communicate to States and non-Federal interests the potential to partner with the Corps of Engineers to address flood hazards.

“(B) COORDINATION.—The Secretary shall coordinate with the Federal, State, and local governments, and the civil works programs of the Corps of Engineers; and

“(C) METHOD.—The Secretary shall ensure that assistance provided under this subsection is consistent with the requirements of the Flood Control Act of 1941 (55 Stat. 650, chapter 377, 33 U.S.C. 701a), as amended.”;

SEC. 5108. WORKFORCE PLANNING.

(a) DEFINITION OF HISTORICALLY BLACK COLLEGES OR UNIVERSITIES.—In this section, the term ‘‘historically Black college or university’’ has the meaning given the term ‘‘part B institution’’ in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(b) AUTHORIZATION.—The Secretary is authorized to carry out activities, at full Federal expense—

(1) to foster, enhance, and support science, technology, engineering, and math education and awareness; and

(2) to recruit individuals for careers at the Corps of Engineers;

(c) PARTNERING ENTITIES.—In carrying out activities under this section, the Secretary may enter into partnerships with—

(1) public and nonprofit elementary and secondary schools;

(2) community colleges;

(3) technical schools;

(4) colleges and universities, including historically Black colleges and universities; and

(5) other institutions of learning.

(d) PRIORITIZATION.—The Secretary shall—

(1) in paragraph (3), in the first sentence, by striking ‘‘section 236 of title 10’’ and inserting ‘‘section 411 of title 10’’;

(2) by adding at the end the following:

“(3) INSTITUTIONS OF HIGHER EDUCATION.—Notwithstanding section 411 of title 10, United States Code, in carrying out this section, the Secretary may work with an institution of higher education, as determined appropriate by the Secretary.’’;

SEC. 5109. CREDIT IN LIEU OF REIMBURSEMENT.

(a) IN GENERAL.—The Secretary is authorized to carry out activities, at full Federal expense, to—

(1) in subsection (a)—

(A) in paragraph (3), by striking ‘‘section 236 of title 10’’ and inserting ‘‘section 411 of title 10’’;

(B) by adding at the end the following:

“(3) INSTITUTIONS OF HIGHER EDUCATION.—Notwithstanding section 411 of title 10, United States Code, in carrying out this section, the Secretary may work with an institution of higher education, as determined appropriate by the Secretary.’’;

“(b) CREDIT IN LIEU OF REIMBURSEMENT.—

There is authorized to be appropriated to carry out activities described in subsection (b) as follows:

(1) in subparagraph (A)—

(A) in paragraph (3), by striking ‘‘section 236 of title 10’’ and inserting ‘‘section 411 of title 10’’;

(B) by adding at the end the following:

“(3) INSTITUTIONS OF HIGHER EDUCATION.—Notwithstanding section 411 of title 10, United States Code, in carrying out this section, the Secretary may work with an institution of higher education, as determined appropriate by the Secretary.’’;

SEC. 5110. FLOODPROOF MANAGEMENT SERVICES.

(a) IN GENERAL.—Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended by inserting—

“‘‘(c) PARTNERING ENTITIES.—In carrying out activities under this section, the Secretary may enter into partnerships with—

(1) public and nonprofit elementary and secondary schools;

(2) community colleges;

(3) technical schools;

(4) colleges and universities, including historically Black colleges and universities; and

(5) other institutions of learning.

(d) PRIORITIZATION.—The Secretary shall—

(1) in paragraph (3), in the first sentence, by striking ‘‘section 236 of title 10’’ and inserting ‘‘section 411 of title 10’’;

(2) by adding at the end the following:

“(3) INSTITUTIONS OF HIGHER EDUCATION.—Notwithstanding section 411 of title 10, United States Code, in carrying out this section, the Secretary may work with an institution of higher education, as determined appropriate by the Secretary.’’;

“(b) CREDIT IN LIEU OF REIMBURSEMENT.—

There is authorized to be appropriated to carry out activities described in subsection (b) as follows:

(1) in subparagraph (A)—

(A) in paragraph (3), by striking ‘‘section 236 of title 10’’ and inserting ‘‘section 411 of title 10’’;

(B) by adding at the end the following:

“(3) INSTITUTIONS OF HIGHER EDUCATION.—Notwithstanding section 411 of title 10, United States Code, in carrying out this section, the Secretary may work with an institution of higher education, as determined appropriate by the Secretary.’’;

SEC. 5111. ADVANCE PAYMENT IN LIEU OF REIMBURSEMENT FOR CERTAIN FEDERAL COSTS.

The Secretary is authorized to provide in advance to the non-Federal interest the Federal share of funds required for the acquisition of land, easements, and rights-of-way for the location, construction, or repair or restoration work described in paragraph (1).

(1) authorized to be constructed at full Federal expense;

(2) described in section 1034(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(b)); or

(3) described in, or modified by an amendment made by, section 401(a), if at any time the cost to acquire the land, easements, and rights-of-way required for the project is projected to exceed the non-Federal share of the cost of the project.

SEC. 5112. USE OF EMERGENCY FUNDS.

Section 5(a) of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377, 33 U.S.C. 701a), is amended—

(1) in paragraph (1), in the first sentence, by inserting ‘‘, increase resiliency, increase effectiveness in preventing damages from inundation, wave attack, or erosion,’’ after ‘‘address major deficiencies’’; and

(2) by adding at the end the following:

“(b) WORK CARRIED OUT BY A NON-FEDERAL SPONSOR.—

“(A) GENERAL RULE.—The Secretary may authorize a non-Federal sponsor to plan, design, construct repair or restoration work described in paragraph (1).

“(B) REQUIREMENTS.—

“(1) IN GENERAL.—To be eligible for a payment under subparagraph (C) for the Federal share of a planning, design, or construction activity for repair or restoration work described in paragraph (1), the non-Federal sponsor shall enter into an agreement with the Secretary before carrying out the activity.
“(ii) Compliance with Other Laws.—The non-Federal sponsor shall carry out all activities under this paragraph in compliance with all laws and regulations that would apply if the activities were carried out by the Secretary.

“(iii) Payment.—

“(A) In General.—The Secretary is authorized to enter into contracts, grant agreements, and cooperative agreements with all laws and regulations that would apply if the activities were carried out by the Secretary under an agreement under subparagraph (B), the advance or reimbursement of such additional amounts shall be at the discretion of the Secretary.

“(B) Annual Limit on Reimbursements Not Applicable.—Section 102 of the Energy and Water Development Appropriations Acts, 2006 (33 U.S.C. 2215) shall not apply to an agreement under subparagraph (B).

“SEC. 5113. RESEARCH AND DEVELOPMENT.

“(a) In General.—Section 7 of the Water Resources Development Act of 1988 (33 U.S.C. 2215) is amended—

“(1) in the section heading, by striking “COLLABORATIVE’’;

“(2) by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

“(3) by striking subsection (e);

“(4) by redesigning subparagraphs (c), (d), (f) and (g) as paragraphs (2), (3), (4), and (5), respectively, and indenting appropriately;

“(5) by redesigning paragraph (a), by striking “of the Army Corps of Engineers, the Secretary is authorized to utilize Army’’ and inserting the following: “of the Corps of Engineers, the Secretary is authorized to engage in basic research, applied research, advanced research, and development projects, including such projects that are—

“(1) authorized by Congress; or

“(2) included in an Act making appropriations for the Corps of Engineers.’’

“(b) Collaborative Research and Development.—

“(1) In General.—In carrying out subsection (a), the Secretary is authorized to utilize:

“(A) in paragraph (2) and (B) as so redesignated, by striking “this section’’ and inserting “this section’’;

“(B) in paragraph (3) as so redesignated, in the first sentence, by striking “this section’’ each place it appears and inserting “this subsection’’;

“(C) in paragraph (4) as so redesignated, by striking “subsection (c)’’ and inserting “paragraph (3)’’; and

“(D) in paragraph (5) as so redesignated, by striking “Public Law” and inserting “this subsection’’;

“(2) Treatment.—Nothing in this subsection waives applicable cost-share requirements for a water resources development project that is defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)).

“(A) Savings Clause.—Nothing in this section limits the amount of Federal expenditures; or

“(B) Authorization of Appropriations.—There is authorized to be appropriated to carry out this subsection $10,000,000.

“(c) Research and Development Account.—

“(1) In General.—There is established a Research and Development account of the Corps of Engineers for the purposes of carrying out this section.

“(2) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary $10,000,000 for each fiscal year 2023 to 2027.”.

“(d) Forecasting Models for the Great Lakes.—

“(1) Authorization.—There is authorized to be appropriated to the Secretary $10,000,000 to complete and maintain a model suite to forecast water levels, account for water level variability and the impacts of extreme weather events and other natural disasters in the Great Lakes.

“(2) Savings Provision.—Nothing in this subsection precludes the Secretary from using funds made available under the Great Lakes Restoration Initiative established by the Water Resources Development Act of 2007 (33 U.S.C. 1266(c)(7)) for activities described in paragraph (1) for the Great Lakes, if funds are not appropriated for such activities.

“(e) Monitoring and Assessment Program for Saline Lakes in the Great Basin.—

“(1) In General.—The Secretary is authorized to carry out a program (referred to in this subsection as the “program”) to monitor and assess the hydrology of saline lake ecosystems in the Great Basin, including the Great Salt Lake, to inform the Federal and non-Federal management and conservation activities to benefit those ecosystems.

“(2) Coordination.—The Secretary shall coordinate implementation of the program with relevant—

“(A) Federal and State agencies;

“(B) Indian Tribes;

“(C) local governments; and

“(D) nonprofit organizations.

“(f) Contracts, Grants, and Cooperative Agreements.—The Secretary is authorized to enter into contracts, grant agreements, and cooperative agreements with institutions of higher education and with entities included in paragraph (2) to implement the program.

“(g) Update.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress an update on the progress of the Secretary in carrying out the program.

“(h) Additional Information.—In carrying out the program, the Secretary may use available studies, information, literature, or data on the Great Basin region published by relevant Federal, State, or local entities.

“(i) Report.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the use of the authority under paragraph (1).

“(j) Authorization.—Nothing in this section limits the amount obligated by the Secretary under an agreement under subparagraph (B), the advance or reimbursement of such additional amounts shall be at the discretion of the Secretary.

“(2) Activity for the Repair or Restoration Work Defined.—The term ‘activity for the repair or restoration work defined to carry out a program, as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d))’ means—

“(A) authorized by Congress; or

“(B) included in an Act making appropriations for the Corps of Engineers.

“(3) Appropriations.—The term ‘appropriations’ means the amounts obligated by the Secretary under an agreement under subparagraph (B), the advance or reimbursement of such additional amounts shall be at the discretion of the Secretary.

“(4) Federal Expense.—There is authorized to be appropriated to the Secretary $10,000,000.

“(5) Committee on Transportation and Infrastructure.—The term ‘Committee on Transportation and Infrastructure’ means the Committee on Transportation and Infrastructure of the House of Representatives.
(c) MEMBERSHIP.—The Committee shall be composed of members, appointed by the Secretary, who have the requisite experiential or technical knowledge needed to address issues described in paragraph (2), to assist the Corps of Engineers in—
(1) 5 individuals representing organizations with expertise in environmental policy, rural water resources, economically disadvantaged communities, Tribal rights, or civil rights; and
(2) 5 individuals, each representing a non-Federal interest for a Corps of Engineers project.
(d) DUTIES.—
(1) RECOMMENDATIONS.—The Committee shall provide advice and make recommendations to the Secretary and the Chief of Engineers to assist the Corps of Engineers in—
(A) efficiently and effectively delivering solutions to water resources development projects needs and challenges for economically disadvantaged communities and Indian Tribes;
(B) integrating consideration of economically disadvantaged communities and Indian Tribes, where applicable, in the development of water resources development projects and programs of the Corps of Engineers; and
(C) improving the capability and capacity of the Secretary and the Corps of Engineers to assist economically disadvantaged communities and Indian Tribes.
(2) MEETINGS.—The Committee shall meet at appropriate times and make recommendations under paragraph (1).
(3) REPORT.—Recommendations provided under paragraph (1) shall be—
(A) included in a report submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and
(B) be made publicly available, including on a publicly available website.
(e) INDEPENDENT JUDGMENT.—Any recommendation made by the Committee to the Secretary and the Chief of Engineers under subsection (d)(1) shall reflect the independent judgment of the Committee.
(f) ADMINISTRATION.—
(1) COMPENSATION.—Except as provided in paragraph (2), the members of the Committee shall serve without compensation.
(2) TRAVEL EXPENSES.—The members of the Committee shall be entitled to travel expenses to attend meetings of the Committee and report made under this section, and to expenses for meals and other subsistence while away from their homes or regular places of business in the United States Code, while away from their homes or regular places of business in the performance of services for the Committee.
(g) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

SEC. 5115. NON-FEDERAL INTEREST ADVISORY COMMITTEE

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a committee, to be known as the “Non-Federal Interest Advisory Committee” (referred to in this section as the “Committee”), to develop and make recommendations to the Secretary and the Chief of Engineers on activities and actions that should be taken by the Corps of Engineers to ensure more effective and efficient delivery of water resources development projects, programs, and other assistance.

(b) MEMBERSHIP.—
(1) IN GENERAL.—The Committee shall be composed of the members described in paragraph (2), who shall—
(A) be appointed by the Secretary; and
(B) have the requisite experiential or technical knowledge needed to address issues related to water resources needs and challenges.
(2) REPRESENTATIVES.—The members of the Committee shall include the following:
(A) A representative of each of the following:
(i) A non-Federal interest for a project for navigation for an inland harbor.
(ii) A non-Federal interest for a project for navigation for a harbor.
(iii) A non-Federal interest for a project for flood risk management.
(iv) A non-Federal interest for a project for coastal storm risk management.
(v) A non-Federal interest for a project for aquatic ecosystem restoration.
(B) A representative of each of the following:
(i) A non-Federal stakeholder with respect to inland waterborne transportation.
(ii) A non-Federal stakeholder with respect to water supply.
(iii) A non-Federal stakeholder with respect to recreation.
(iv) A non-Federal stakeholder with respect to hydropower.
(v) A non-Federal stakeholder with respect to emergency preparedness, including coastal protection.
(C) A representative of each of the following:
(i) An organization with expertise in conservation.
(ii) An organization with expertise in environmental policy.
(iii) An organization with expertise in rural water resources.

SEC. 5116. UNDERSERVED COMMUNITY HARBOR PROJECTS

(a) DEFINITIONS.—In this section:
(1) PROJECT.—The term “project” means a single cycle of dredging of an underserved community harbor and the associated placement of dredged material at a beneficial use placement site or disposal site.

SEC. 5117.פס้นitories COMMUNITY HARBOR.

The term “underserved community harbor” means an emerging harbor (as defined in section 218(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(f))) for which—
(1) No Federal funds have been obligated for maintenance dredging in the current fiscal year or in any of the 4 preceding fiscal years; and
(2) State and local investments in infrastructure or technology have not been made during the preceding 4 fiscal years.

(b) IN GENERAL.—The Secretary may carry out projects to dredge underserved community harbors for purposes of sustaining water-dependent commercial and recreational activities at such harbors.

(c) UNDERSERVED COMMUNITY HARBOR.—The term “underserved community harbor” means an emerging harbor (as defined in section 218(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(f))) for which—
(1) No Federal funds have been obligated for maintenance dredging in the current fiscal year or in any of the 4 preceding fiscal years; and
(2) State and local investments in infrastructure or technology have not been made during the preceding 4 fiscal years.

(b) IN GENERAL.—The Secretary may carry out a project under this section if the Secretary determines that the cost of the project is reasonable in relation to the sum of—
(1) the local or regional economic benefits; and
(2) the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetland and control of shoreline erosion or
(3) other social effects, including protections against loss of local investments to local or regional cultural heritage.

(c) COST SHARE.—The non-Federal share of the cost of a project carried out under this section shall be determined in accordance with—
(1) subsections (a), (b), (c), or (d), as applicable, of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), for any portion of the cost of the project allocated to flood or coastal storm risk management, ecosystem restoration, or recreation; and
(2) section 101(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)(1)), for the portion of the cost of the project other than a portion described in paragraph (1).

(d) FUERIFICATION.—The Secretary shall provide assistance to Federal employees and the meetings and reports of the Committee shall not be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) AUTHORIZATION OF APPROPRIATIONS.—
(1) IN GENERAL.—There is authorized to be appropriated to carry out this section for each of fiscal years 2023 through 2026.
(2) SPECIAL RULE.—Not less than 35 percent of the amounts made available to carry out this section shall be derived from the creation of wetland and control of shoreline erosion.
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(b) SAVINGS PROVISION.—Carrying out a project under this section shall not affect the eligibility of an underserved community harbor for Federal operation and maintenance, and no such project shall be authorized for the underserved community harbor.

SEC. 5117. CORPS OF ENGINEERS WESTERN WATER COOPERATIVE COMMITTEE.

(a) FINDINGS.—Congress finds that—

(1) a bipartisan coalition of 19 Western Senators wrote to the Office of Management and Budget on September 17, 2019, in opposition to the proposed rulemaking entitled “Use of U.S. Army Corps of Engineers Reserve Projects for Domestic, Municipal & Industrial Water Supply” (81 Fed. Reg. 68341 (December 16, 2016)), describing the rule as counter to existing law and court precedent;

(2) on January 21, 2020, the proposed rulemaking described in paragraph (1) was withdrawn; and

(3) the Corps of Engineers should consult with Western States to ensure, to the maximum extent practicable, that operation of flood control projects in prior appropriation States is consistent with the principles of the first section of the Act of December 22, 1944 (commonly known as the ‘‘Flood Control Act of 1944’’) (58 Stat. 887, chapter 665; 33 U.S.C. 701–1) and section 301 of the Water Supply Act of 1956 (33 U.S.C. 900b).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a Western Water Cooperative Committee (referred to in this section as the “Cooperative Committee’’).

(2) PURPOSE.—The purpose of the Cooperative Committee is to ensure that Corps of Engineers flood control projects in Western States are operated consistent with congressional directives by identifying opportunities to avoid or minimize conflicts between operation of Corps of Engineers projects and State water rights and water laws.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The Cooperative Committee shall be composed of—

(i) the Assistant Secretary of the Army for Civil Works (or a designee);

(ii) the Chief of Engineers (or a designee);

(iii) 1 representative from each of the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, who may serve on the Western Water Cooperative Committee (referred to in this section as the “Cooperative Committee’’).

(B) T RAVEL EXPENSES.—The members of the Cooperative Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of the Government as provided in 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 Cooperative Committee.

(C) MAINTENANCE OF RECORDS.—The Cooperative Committee shall maintain records pertaining to operating costs and records of the Cooperative Committee for a period of not less than 3 years.

SEC. 5118. UPDATES TO CERTAIN WATER CONTROL MANUALS.

On request of the Governor of State in which the Governor declared a statewide drought disaster in 2021, the Secretary is authorized to update water control manuals for waters in the State, with priority given to those waters that accommodate a water supply project.

SEC. 5119. SENSE OF CONGRESS ON OPERATIONS AND MAINTENANCE OF RECREATION SITES.

It is the sense of Congress that the Secretary, as part of the annual work plan, should distribute amounts provided for the operations and maintenance of recreation sites of the Corps of Engineers so that each site receives an amount that is not less than 80 percent of the recreation fees generated by such site in a given year.

SEC. 5120. RELOCATION ASSISTANCE.

In the case of a water resources development project using nonstructural measures for the elevation or modification of a dwelling that is the primary residence of an owner-occupant and that requires the owner-occupant to relocate temporarily from the dwelling during the period of construction, the Secretary may include in the value of the land, easements, and rights-of-way required for the project or the measure the documentation of the owner-occupant’s relocation, including food and personal transportation, incurred by the owner-occupant during the period of relocation.

SEC. 5121. REPROGRAMMING LIMITS.

(a) OPERATIONS AND MAINTENANCE.—In reprogramming funds made available to the Secretary for operations and maintenance—

(1) the Secretary may not reprogram more than 25 percent of the base amount up to a limit of—

(A) $8,500,000 for a project, study, or activity with a base level over $1,000,000; and

(B) $250,000 for a project, study, or activity with a base level of $1,000,000 or less; and

(2) $150,000 may be reprogrammed for any continuing study or activity of the Secretary that did not receive an appropriation.

(b) INVESTIGATIONS.—In reprogramming funds made available to the Secretary for investigations—

(1) the Secretary may not reprogram more than $150,000 for a project, study, or activity with a base level over $1,000,000; and

(2) $150,000 may be reprogrammed for any continuing study or activity of the Secretary that did not receive an appropriation for existing obligations and concomitant administrative expenses.

SEC. 5122. LEASE DURATIONS.

The Secretary shall issue guidance on, in the case of a leasing decision pursuant to section 2667 of title 10, United States Code, or section 4 of the Act of December 22, 1944 (commonly known as the ‘‘Flood Control Act of 1944’’) (58 Stat. 889, chapter 665; 16 U.S.C. 460d), instances in which a lease duration in excess of 25 years is appropriate.

SEC. 5123. SENSE OF CONGRESS RELATING TO POST-DISASTER REPAIRS.

It is the sense of Congress that in permitting and funding post-disaster repairs, the Secretary should, to the maximum extent practicable, repair assets—

(1) to project design levels; or

(2) if the original project design is outdated, to above project design levels.

SEC. 5124. PAYMENT OF PAY AND ALLOWANCES OF CERTAIN OFFICERS FROM APPROPRIATIONS FOR IMPROVEMENTS.

Section 36 of the Act of August 10, 1956 (70A Stat. 634, chapter 1041; 33 U.S.C. 583a), is amended—

(1) by striking ‘‘Regular officers of the Corps of Engineers of the Army, and reserve officers of the Army who are assigned to the Corps of Engineers,’’ and inserting the following—

“(a) IN GENERAL.—The personnel described in subsection (b);” and

(2) by adding at the end the following:

“(b) PERSONNEL DESCRIBED.—The personnel referred to in subsection (a) are the following:

(A) Regular officers of the Corps of Engineers of the Army.

(B) Reserve component officers.

(C) Enlisted members (whether regular or reserve component).

(D) Warrant officers (whether regular or reserve component).

SEC. 5125. REFORESTATION.

The Secretary is encouraged to consider measures to restore swamps and other wetland forests in studies and projects relating to water resources development projects for ecosystem restoration and flood and coastal storm risk management.

SEC. 5126. USE OF OTHER FEDERAL FUNDS.

Section 207 of the Water Resources Development Act of 2007 (33 U.S.C. 2222) is amended—

(1) by striking ‘‘water resources study or project’’ and inserting ‘‘water resources development study or project, including a study or project under a continuing authorization program (as defined in section 7001(c)(1)(D) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2231(c)(1)(D));’’ and

(2) by striking ‘‘the Federal agency that provides the funds determines that the funds are authorized to be used to carry out the study or project’’ and inserting ‘‘the funds are authorized to be used for the purpose that is similar or complementary to the purpose of the study or project.’’
SEC. 5127. NATIONAL LOW-HEAD DAM INVENTORY.

The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by adding at the end the following:

"SEC. 15. NATIONAL LOW-HEAD DAM INVENTORY.

(a) DEFINITIONS.—In this section:

(1) INVENTORY.—The term ‘low-head dam inventory’ means the national low-head dam inventory developed under subsection (b)(1).

(2) LOW-HEAD DAM.—The term ‘low-head dam’ means a river-wide dam that generally spans the stream channel, blocking the waterway and creating a backup of water behind the dam, with a drop off over the wall of not less than 6 inches and not more than 25 feet.

(3) SECRETARY.—The term ‘Secretary’ means the Secretary of the Army.

(b) NATIONAL LOW-HEAD DAM INVENTORY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary, in consultation with the heads of appropriate Federal and State agencies, shall—

(A) develop an inventory of low-head dams in the United States that includes—

(i) the location, ownership, description, current use, condition, height, and length of each low-head dam;

(ii) any information on public safety conditions at each low-head dam;

(iii) public safety information on the dangers of low-head dams;

(iv) a directory of financial and technical assistance resources available to reduce safety hazards and fish passage barriers at low-head dams; and

(v) any other relevant information concerning low-head dams; and

(B) submit the inventory to the Comptroller General of the United States, the Committee on Appropriations of the House of Representatives, and the Committee on Transportation and Infrastructure of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) DATA.—In carrying out this subsection, the Secretary shall—

(A) coordinate with Federal and State agencies and other relevant entities; and

(B) use data provided to the Secretary by those agencies.

(3) UPDATES.—The Secretary, in consultation with appropriate Federal and State agencies, within one year after the date of enactment of this Act, and periodically thereafter, shall publish updates to the inventory.

(c) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary to carry out this section $30,000,000.

(d) CLARIFICATION.—Nothing in this section provides authority for the Secretary to carry out an activity, with respect to a low-head dam, that is not explicitly authorized under this section.

SEC. 5128. TRANSFER OF EXCESS CREDIT.

Section 1020 of the Water Resources Reclamation and Development Act of 2014 (33 U.S.C. 2223) is amended—

(1) in subsection (a), by striking ''or improvement'' after ''flood risk'';

(2) in subsection (c), by striking ''or improvement'' after ''removal''; and

(3) in subsection (d), by inserting “, or improvement” after “removal”.

SEC. 5129. INLAND WATERWAYS REGIONAL DREDGE PILOT PROGRAM.

(a) DEFINITION OF REHABILITATION.—Section 9002(b) of the Water Resources Development Act of 2007 (33 U.S.C. 3903(b)) as amended—

(1) by striking subsection (a); and

(2) by redesignating subsection (b) as subsection (a).

(b) NATIONAL LEVEE REVISION.

(a) DEFINITION OF REHABILITATION.—Section 9103 of the Water Resources Development Act of 2007 (33 U.S.C. 3908a) is amended—

(1) in paragraph (1), by striking “60 percent” and inserting “65 percent”;

(2) in paragraph (4), by striking “40 percent” and inserting “35 percent”;

(c) APPLICATION TO STUDIES.—

(1) IN GENERAL.—The Secretary shall—

(A) coordinate with Federal and State agencies, and other relevant entities; and

(B) use data provided to the Secretary by those agencies.

(2) DATA.—In carrying out this subsection, the Secretary shall—

(A) maintain and periodically update the inventory; and

(B) to provide cost-savings by combining work across the Construction and Operation and Maintenance accounts of the Corps of Engineers.

SEC. 5130. INLAND WATERWAYS REGIONAL DREDGE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to establish a pilot program (referred to in this subsection as the ‘pilot program’) to conduct a multi-year dredging demonstration program to improve the reliability and performance of the inland waterways system; and

(b) PURPOSES.—The purposes of the pilot program shall include—

(A) to increase the reliability, availability, and efficiency of federally-owned and federally-operated inland waterways projects;

(B) to decrease operational risks across the inland waterways system; and

(C) to provide cost-savings by combining work across multiple projects across different accounts of the Corps of Engineers.

(c) DEMONSTRATION.—

(A) IN GENERAL.—The Secretary shall, through the pilot program, award contracts for projects on inland waterways that combine work across the Construction and Operation and Maintenance accounts of the Corps of Engineers.

(B) PROJECTS.—In awarding contracts under subparagraph (A), the Secretary shall consider projects that—

(i) improve navigation reliability on inland waterways that are accessible year-round;

(ii) increase freight capacity on inland waterways;

(iii) have the potential to enhance the availability of containerized cargo on inland waterways;

(iv) savings clause.—Nothing in this subsection affects the responsibilities of the Secretary with respect to the construction and operations and maintenance projects on the inland waterways; and

(v) report to Congress.—Not later than 1 year after the date on which the first contract is awarded pursuant to the pilot program, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that evaluates, with respect to the pilot program and any contracts awarded under the pilot program—

(A) cost effectiveness;

(B) reliability and performance;

(C) cost savings attributable to mobilization and demobilization of dredge equipment; and

(D) response times to address navigational impediments.

(c) effect.—The authority of the Secretary to enter into contracts pursuant to the pilot program shall expire on the date that is 10 years after the date of enactment of this Act.

SEC. 5131. FUNDING TO PROCESS PERMITS.

Section 214(a)(2) of the Water Resources Development Act of 2000 (33 U.S.C. 2352a(a)(2)) is amended—

(1) by striking “The Secretary” and inserting the following:

“(A) IN GENERAL.—The Secretary; and

(2) by adding at the end the following:

“(B) MULTI-USER MITIGATION BANK INSTRUMENT PROCESSING.—

(i) IN GENERAL.—An activity carried out by the Secretary to expedite evaluation of a permit described in subparagraph (A) may include the evaluation of an instrument for a mitigation bank if—

(I) the non-Federal public entity, utility, company, natural gas company, or railroad carrier applying for the permit described in that subparagraph is the sponsor of the mitigation bank; and

(II) the permitting form of the instrument is necessary to expedite evaluation of the permit described in that subparagraph.

(ii) USE OF CREDITS.—The use of credits generated by the mitigation bank established using expedited processing under clause (i) shall be limited to current and future projects and activities of the entity, company, or carrier described in subclause (I) of that clause for a public purpose, except that in the case of a non-Federal public entity, not more than 25 percent of the credits may be sold to other public and private entities.

SEC. 5132. NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.

Section 109(b) of the Water Resources Reform and Development Act of 2013 (33 U.S.C. 2201 note; Public Law 113–121) is amended—

(1) in paragraph (3), by inserting “or discrete segment” after “separable element” each place it appears; and

(2) by adding at the end the following:

“(10) DEFINITION OF DISCRETE SEGMENT.—In this subsection, the term ‘discrete segment’ means a physical portion of a project or separable element that the non-Federal interest can operate and maintain, independently and without creating a hazard, in advance of the completion of the non-Federal development project, or separable element thereof.”.

SEC. 5133. COST SHARING FOR TERRITORIES AND INDIAN TRIBES.

Section 1565 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended by adding at the end the following:

“(c) APPLICATION TO STUDIES.—

(1) INCLUSION.—The term ‘study’ includes watershed assessments.

(2) APPLICATION.—The Secretary shall apply the waiver amount described in subsection (a) to reduce only the non-Federal share of study costs.”.
SEC. 5134. WATER SUPPLY CONSERVATION.
Section 1116 of the WIA Act (130 Stat. 1639) is amended—
(1) in subsection (a), in the matter preceding paragraph (1) by striking “during the 1-year period ending on the date of enactment of this Act” and inserting “for at least 2 years during the 10-year period preceding a request for Federal interest for assistance under this section”; and
(2) in subsection (b)(4), by inserting “, including measures utilizing a natural feature or nature-based feature”, as those terms are defined in section 118(a), to reduce drought risk” after “water supply”.

SEC. 5135. CRITERIA FOR FUNDING OPERATION AND MAINTENANCE OF SMALL PUBLIC RECREATION FACILITIES AND SUBSISTENCE HARBORS.
(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop specific criteria for the annual evaluation and ranking of maintenance dredging requirements for small, remote, and subsistence harbors, taking into account the criteria provided in the joint explanatory statement of managers accompanying division D of the Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 3226).
(b) INCLUSION IN GUIDANCE.—The Secretary shall include the criteria developed under subsection (a) in the annual Civil Works Direct Federal Development Policy Guidance of the Secretary.
(c) REPORT TO CONGRESS.—For fiscal year 2024, and biennially thereafter, in conjunction with the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives a report that identifies the ranking of projects in accordance with the criteria developed under subsection (a).

SEC. 5136. PROTECTION OF LIGHTHOUSES.
Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by inserting “lighthouses, including those lighthouses with historical value,” after “schools,”.

SEC. 5137. EMERGING HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.
Section 1008 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2232b) is amended—
(1) in subsection (b)(1), by inserting “and to meet the requirements of subsection (b)” after “projects”;
(2) by redesigning subsections (b) and (c) as subsections (c) and (d), respectively; and
(3) by inserting after subsection (a) the following:

“(b) IMPLEMENTATION OF POLICY.—The Secretary shall—
“(1) ensure that the policy described in subsection (a) is implemented nationwide in an efficient, consistent, and coordinated manner; and
“(2) assess opportunities—
“(A) to increase the development of hydroelectric power at existing hydroelectric water resources development projects of the Corps of Engineers; and
“(B) to develop new hydroelectric power at nonpowered water resources development projects of the Corps of Engineers.

SEC. 5138. MATERIALS, SERVICES, AND FUNDS FOR REPAIR, RESTORATION, OR REHABILITATION OF CERTAIN PUBLIC RECREATION FACILITIES.
(a) DEFINITION OF ELIGIBLE PUBLIC RECREATION FACILITY.—In this section, the term “eligible public recreation facility” means a facility at a reservoir operated by the Corps of Engineers that—
(1) was constructed to enable public use of and access to the reservoir; and
(2) requires repair, restoration, or rehabilitation to function.
(b) REASSESSMENT.—During a period of low water at an eligible public recreation facility, the Secretary is authorized—
(1) to accept and unencumber materials, services, and funds for the Federal interest to repair, restore, or rehabilitate the facility; and
(2) to reimburse the non-Federal interest for the Federal share of the materials, services, or funds.
(c) REQUIREMENT.—The Secretary may not reimburse a non-Federal interest for the use of materials or services under this section unless the materials or services—
(1) meet the specifications of the Secretary; and
(2) comply with all applicable laws and regulations that would apply if the materials and services were acquired by the Secretary, including subchapter IV of chapter 31 and chapter 37 of title 40, United States Code, section 8302 of title 41, United States Code, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 5139. DREDGED MATERIAL MANAGEMENT PLANS.
(a) IN GENERAL.—The Secretary shall prioritize implementation of section 125(c) of the Water Resources Development Act of 2020 (33 U.S.C. 2326b) at federally authorized harbors in the State of Ohio.
(b) REQUIREMENTS.—Each dredged material management plan prepared by the Secretary under subsection (c) include—
(1) a dredging material management plan in accordance with subsection (b) if use of materials or services acquired under this section exceeds the maximum cost of the project under section 902 of the Water Resources Development Act, 2022 (Public Law 117–103; 136 Stat. 217); and
(2) maximize beneficial use of dredged material in a manner that complies with all applicable laws and regulations under subsection (c); and
(3) requires any other term or condition required by the Secretary.

SEC. 5140. LEASE DEVIATIONS.
The Secretary shall fully implement the requirements of section 153 of the Water Resources Development Act of 2020 (131 Stat. 2658).

SEC. 5141. COLUMBIA RIVER BASIN.
(a) STUDY OF FLOOD RISK MANAGEMENT ACTIVITIES.—
(1) IN GENERAL.—Using funds made available to carry out this section, the Secretary is authorized, at Federal expense, to carry out a study to determine the feasibility of a project for flood risk management and related purposes in the Columbia River basin.

SEC. 5142. CONtinuation of construction.
(a) IN GENERAL.—The Secretary shall not incur an obligation under section 1820 of the Columbia River Basin Act, as amended, for a project to potentially reduce the reliance on Canada for flood risk management in the basin.

SEC. 5143. PROVISION FOR COLUMBIA RIVER TREATY OBLIGATIONS.
(1) IN GENERAL.—The Secretary is authorized to expend funds appropriated for the purpose of satisfying United States obligations under the Columbia River Treaty to compensate Canada for operating Canadian storage on behalf of the United States under such Treaty.

SEC. 5144. NOTIFICATION.—If the U.S. entity calls upon Canada to operate Canadian reservoir storage for flood risk management on behalf of the United States, the U.S. entity may incur an obligation to compensate Canada under the Columbia River Treaty—
(1) the Secretary shall submit to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate a written notice specifying such amount and an explanation of how such amount was derived, which notification shall not delay or impede the flood risk management mission of the U.S. entity; and
(2) upon a determination by the United States of the amount of compensation that shall be paid to Canada, the Secretary shall submit to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate a written notice specifying such amount and an explanation of how such amount was derived, which notification shall not delay or impede the flood risk management mission of the U.S. entity.

(b) COLUMBIA RIVER TREATY.—The term “Columbia River basin” means the entire United States portion of the Columbia River watershed.

(c) COLUMBIA RIVER TREATY.—The term “Columbia River Treaty” means the Treaty relating to cooperative development of the Columbia River Basin, signed at Washington January 17, 1961, and entered into force September 16, 1964.

SEC. 5145. COLUMBIA RIVER BASIN STUDY.—The term “U.S. entity” means the entity designated by the United States under Article XIV of the Columbia River Treaty.

SEC. 5146. CONCLUSION OF CONSTRUCTION.
(b) Continuation of construction.—

(1) In general.—The Secretary shall not, solely on the basis of section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280)—

(A) defer the initiation or continuation of construction of a water resources development project during the period described in subsection (a); or

(B) terminate a contract for design or construction of a water resources development project entered into during the period described in subsection (a) after expiration of that period.

(2) Resumption of construction.—The Secretary shall resume construction of any water resources development project for which construction was deferred on the basis of section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) during the period beginning on October 1, 2021, and ending on the date of enactment of this Act.

(c) Statutory construction.—Nothing in this section waives the obligation of the Secretary to submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a post-authorization change report recommending an increase in the authorized cost of a project if the project otherwise would exceed the authorized cost of the project under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

TITLE LII—STUDIES AND REPORTS

SEC. 5201. AUTHORIZATION OF FEASIBILITY STUDIES

(a) In general.—The Secretary is authorized to investigate the feasibility of the following projects:

(1) Project for ecosystem restoration, Mill Creek Levee and Walla Walla River, Oregon.

(2) Project for flood risk management and ecosystem restoration, Tittabawassee River, Chippewa River, Pine River, and Tobacco River, Michigan.

(3) Project for flood risk management, Southeast Michigan.

(4) Project for flood risk management, McMicken Dam, Arizona.

(5) Project for flood risk management, Ellicott City and Howard County, Maryland.


(7) Project for flood risk management and water supply, Fox-Wolf Basin, Wisconsin.


(9) Project for flood and coastal storm risk management, Cape Fear River Basin, North Carolina.

(10) Project for flood risk management, Lower Clear Creek and Dickinson Bayou, Texas.

(11) Project for flood risk management and ecosystem restoration, the Resacas, Hidalgo County, Texas.

(12) Project for flood risk management, including levee improvement, Papilion Creek, Nebraska.

(13) Project for flood risk management, Offutt Ditch Pump Station, Nebraska.

(14) Project for flood risk management, navigation, and ecosystem restoration, Moawhawk River Basin, New York.

(15) Project for coastal storm risk management, Walkiti Beach, Hawaii.

(16) Project for ecosystem restoration and coastal storm risk management, Cumberland and S לט합하, Maryland.

(17) Project for flood risk management, Walupee Stream watershed, Hawaii.

(18) Project for flood and coastal storm risk management, Marathon County, Wisconsin.

(19) Project for coastal storm risk management, Maui County, Hawaii.

(20) Project for flood risk management, Sarpy County, Nebraska.

(21) Project for aquatic ecosystem restoration, including habitat for endangered salmon and coho salmon, Columbia River Basin, Oregon.

(22) Project for ecosystem restoration, flood risk management, and recreation, Newport, Kentucky.

(23) Project for flood risk management and water supply, Jenkins, Kentucky.

(24) Project for flood risk management, including riverbank stabilization, Columbus, Kentucky.


(26) Project for flood risk management, coastal storm risk management, navigation, ecosystem restoration, and water supply, Blind Brook, New York.

(27) Project for navigation, Cumberland River, Kentucky.

(28) Project for ecosystem restoration and water supply, Great Salt Lake, Utah.

(b) Project modifications.—The Secretary is authorized to investigate the feasibility of the following modifications to the following projects:

(1) Modifications to the project for navigation, South Haven Harbor, Michigan, for turning basin improvements.

(2) Modifications to the project for navigation, Rollinson Channel and channel from Hatteras Inlet to Hatteras, North Carolina, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1174), to incorporate the ocean bar.

(3) Modifications to the project for flood control, Saint Francis River Basin, Missouri, and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172, chapter 188), to provide flood risk management for the tributaries and drainage of Straight Slough, Craighead, Poinsett, and Cross Counties, Arkansas.

(4) Modifications to the project for flood risk management, Cedar River, Cedar Rapids, Iowa, authorized by section 7002(2) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1366), consistent with section 5201(b) of the Flood Control System Master Plan.

(5) Modifications to the project for navigation, Savannah Harbor, Georgia, without evaluation of the cost of the project.

(6) Modifications to the project for navigation, Honolulu Harbor, Hawaii, for navigation improvements and coastal storm risk management.

(7) Modifications to the project for navigation, Port of Ogdensburg, New York, including deepening.

(8) Modifications to the Huntington Local Protection Project, Huntington, West Virginia.

SEC. 5202. SPECIAL RULES.

(a) The studies authorized by paragraphs (12) and (13) of section 5201(a) shall be considered a continuation of the study that resulted in the Chief's Report for the project for Papilion Creek and Tributaries Lakes, Nebraska, signed January 24, 2022.

(b) The studies authorized by section 5201(a)(17) shall be considered a reevaluation and a continuation of the general reevaluation that resulted in the Department's decision on December 30, 2003.

(c) In carrying out the study authorized by section 5201(a)(27), the Secretary shall only formulate measures and alternatives to be consistent with the purpose of existing Federal projects while also maintaining the benefits of such projects.

(d) In carrying out the studies authorized by section 5201(a)(28), the Secretary shall study the project for the Long Island, New York, as a whole system, including inlets that are Federal channels.

(e) The studies authorized by section 5201(b) shall be considered new phase investigations afforded the same treatment as a general reevaluation.

SEC. 5203. EXPEDITED COMPLETION OF STUDIES.

(a) Feasibility reports.—The Secretary shall expedite the completion of a feasibility study for each of the following projects, and if the Secretary determines that the project is justified in a completed report, may proceed directly to preconstruction planning, engineering, and design of the project:


(2) Project for coastal storm risk management, Charleston Peninsula, South Carolina.

(3) Project for flood and coastal storm risk management and ecosystem restoration, Boston North Shore, Revere, Saugus, Lynn, Men, and Everett, Massachusetts.

(4) Project for flood risk management, De Soto County, Mississippi.

(5) Project for flood risk management, Cape Butter, Arizona.

(6) Project for flood risk management, Cape Butter, Arizona.

(7) Project for flood and coastal storm risk management, Chelsea, Massachusetts, authorized by a study resolution of the Committee on Public Works of the Senate dated September 12, 1969.

(8) Project for ecosystem restoration, Herring River Estuary, Barnstable County, Massachusetts, authorized by a study resolution of the Committee on Transportation and Infrastructure of the House of Representatives dated July 23, 1997.

(9) Project for coastal storm risk management, Cape Cod, Newton, and Saco Bay, Maine.


(12) Project for coastal storm risk management,Sea Bright to Manasquan, New Jersey.

(13) Project for coastal storm risk management, Raritan Bay and Sandy Hook Bay, New Jersey.

(14) Project for coastal storm risk management, St. Tammany Parish, Louisiana.


(17) Project for ecosystem restoration, Lake Okeechobee, Florida.


(19) Modifications to the project for navigation, Hilo Harbor, Hawaii.

(20) Project for flood risk management, Kilka River, Rusk County, Texas.

(21) Project for flood risk management, Riverbend, West Virginia, Virginia, North Carolina.

(22) Modifications to the project for navigation, Lake Erie, Alaska.

(b) Post-authorization change reports.—The Secretary shall expedite completion of a post-authorization change report for the following projects:

(1) Project for ecosystem restoration, Tres Rios, Arizona, authorized by section 101(b)(4)

(2) Project for coastal storm risk management, Surf City and North Topsail Beach, North Carolina (authorized by section 7902(3) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1367).


(c) WATERSHED AND RIVER BASIN ASSESSMENTS.—The Secretary shall expedite the completion of the following assessments under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a):


(2) Ouachita-Black Rivers, Arkansas and Louisiana.

(3) Project for watershed assessment, Waialua County, Hawaii.

(d) DISPOSITION STUDY.—The Secretary shall expedite the completion of the disposition assessment in Anacostia Drainage Area under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a).

(e) ADDITIONAL DIRECTION.—The post-authorization change report for the project described in subsection (b)(3) shall be completed not later than December 31, 2023.

SEC. 5204. STUDIES FOR PERIODIC NOURISHMENT.

(a) IN GENERAL.—Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d-5) is amended—

(1) in subsection (b), in paragraph (1), by striking "15" and inserting "50"; and

(2) in paragraph (3), by striking "15"; and

(3) in paragraph (4), by striking "10-year period" and inserting "16-year period"; and

(b) by adding at the end the following:

"(f) TREATMENT OF STUDIES.—A study carried out under subsection (b) shall be considered in completion and may be considered for the same treatment as a general reevaluation.".

(b) INDIAN RIVER INLET SAND BYPASS PLANT.—For purposes of the project for the Indian River Inlet Sand Bypass Plant, authorized by section 869 of the Water Resources Development Act of 1986 (42 U.S.C. 4331 et seq.), the extent to which the final rule is consistently implemented by the districts of the Corps of Engineers taking into account the importance of maintaining, the information described in subparagraph (B).

SEC. 5205. NEPA REPORTING.

(a) DEFINITIONS.—In this section:

(1) CATEGORICAL EXCLUSION.—The term "categorical exclusion" has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(2) ENVIRONMENTAL ASSESSMENT.—The term "environmental assessment" means the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(3) ENVIRONMENTAL IMPACT STATEMENT.—The term "environmental impact statement" means a detailed written statement required under title 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4323(2)(C)).

(4) FINDING OF NO SIGNIFICANT IMPACT.—The term "finding of no significant impact" has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(5) NEPA PROCESS.—

(A) IN GENERAL.—The term "NEPA process" has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(B) PERIOD.—For purposes of subparagraph (A), the NEPA process—

(i) begins on the date on which the Secretary initiates a project study; and

(ii) ends on the date on which the Secretary issues a revised record of decision; or

(C) REPORT.—For purposes of subparagraph (B), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the findings of the review under subsection (a).

SEC. 5207. GAO STUDY ON PROJECT DISTRIBUTION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of the geographic distribution of annual and supplemental funding for water resources development projects carried out by the Secretary over the previous 10 fiscal years and the factors that have led to that distribution.

(b) REPORT.—The Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the analysis under subsection (a).

SEC. 5208. GAO AUDIT OF JOINT COSTS FOR OPERATIONS AND MAINTENANCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of the practices of the Corps of Engineers with respect to the determination of joint costs associated with operations and maintenance of reservoirs owned and operated by the Secretary.

(b) REPORT.—The Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the review under subsection (a) and any recommendations that the Comptroller General of the United States shall make.

SEC. 5209. GAO REVIEW OF CORPS OF ENGINEERS MITIGATION PRACTICES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall carry out a review of the water resources development project mitigation practices of the Corps of Engineers.

(b) CONTENT.—The review under subsection (a) shall include an evaluation of—

(1) the implementation by the Corps of Engineers of the final rule issued on November 19, 2019, including draft report prepared by the Secretary of the Department of the Interior; and

(c) REMITTANCE.—The Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the review under subsection (a).

SEC. 5209. GAO REVIEW OF CORPS OF ENGINEERS MITIGATION PRACTICES.
the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the review under subsection (a) and any recommendations resulting from the review.

(d) Definition of Performance-Based Contract.—In this section, the term ‘performance-based contract’ means a procurement of a single award contract in which the Corps of Engineers contracts with a public or private non-Federal entity for a specific mitigation outcome requirement, with payment to the entity linked to delivery of verifiable and successful mitigation performance.

SEC. 5210. SABINE-NECHES WATERWAY NAVIGATION IMPROVEMENT PROJECT, TEXAS.

The Secretary shall expedite the review and coordination of the feasibility study for the project for navigation, Sabine-Neches Waterway, Texas, under section 238(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2231(b)).

SEC. 5211. GREAT LAKES RECREATIONAL BOATING.

Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare, at full Federal expense, and submit to the Committees on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report updating the feasibility study for the projects that have specific benefits of recreational boating in the Great Lakes basin prepared under section 455(c) of the Water Resources Development Act of 1989 (c 1989, 103 Stat. 1630–21(c)).

SEC. 5212. CENTRAL AND SOUTHERN FLORIDA.

(a) Evaluation and Report.—

(1) Evaluation.—On request and at the expense of the State of Florida, the Florida River Management District, the Secretary shall evaluate the effects of deauthorizing the southernmost 3.5-mile reach of the L–73 levee, Section 2, Okeechobee, Florida, on the functioning of the project for flood control and other purposes, Upper St. Johns River Basin, Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(2) Report.—In carrying out the evaluation under paragraph (1), the Secretary shall—

(A) prepare a report that includes the results of the evaluation, including—

(i) the advisability of deauthorizing the levee described in paragraph (1); and

(ii) any recommendations for conditions that should be placed on a deauthorization to protect the interests of the United States and the public; and

(B) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the report under subparagraph (A) as part of the annual report submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2263(c)).

(b) Comprehensive Central and Southern Florida Study.—

(1) In General.—The Secretary is authorized to carry out a feasibility study for resiliency and comprehensive improvements or modifications to existing water resources development projects in central and southern Florida, for the purposes of flood risk management, water supply, ecosystem restoration (including preventing saltwater intrusion), and other public and related purposes.

(2) Requirements.—In carrying out the feasibility study under paragraph (1), the Secretary—

(A) is authorized to—

(i) review the report of the Chief of Engineers for central and southern Florida (House Document 643, 80th Congress, 2d Session), and other related reports of the Secretary; and

(ii) to recommend cost-effective structural and nonstructural projects for implementation that provide a systemwide approach for the purposes described in that paragraph; and

(B) shall ensure the study and any projects recommended under subparagraph (A)(ii) will not interfere with the efforts undertaken to carry out the Comprehensive Everglades Restoration Plan to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680; 121 Stat. 1268; 132 Stat. 3766).

SEC. 5213. INVESTMENTS FOR RECREATION AREAS.

(a) Findings.—Congress finds the following:

(1) The Corps of Engineers operates more recreation areas than any other Federal or State agency, apart from the Department of Interior.

(2) Nationally, visitors to nearly 600 dams and lakes, managed by the Corps of Engineers, spend an estimated $12,000,000,000 per year and support 500,000 jobs.

(3) Lakes managed by the Corps of Engineers are economic drivers that support rural communities.

(b) Sense of Congress.—It is the sense of Congress that the Corps of Engineers should use all available authorities to promote and enhance development and recreational opportunities at lakes that are part of authorized civil works projects under the administrative jurisdiction of the Corps of Engineers.

(c) Report.—Not later than 180 days after the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on investments needed to support recreational activities that are part of authorized water resources development projects under the administrative jurisdiction of the Corps of Engineers.

(d) Requirements.—The report under subsection (c) shall include—

(1) a list of deferred maintenance projects, including maintenance projects relating to recreational facilities, sites, and associated access roads;

(2) a plan to fund the projects described in paragraph (1) over the 5-year period following the date of enactment of this Act;

(3) a description of efforts made by the Corps of Engineers to prioritize investments in recreational facilities, sites, and associated access roads with—

(A) State and local governments; or

(B) private entities; and

(4) an assessment of whether the modification of Federal contracting requirements could accelerate the availability of funds for the projects described in paragraph (1).

SEC. 5214. WESTERN INFR USTRY STUDY.

(a) Definitions of Natural Feature and Nature-Based Feature.—In this section, the terms ‘natural feature’ and ‘nature-based feature’ have the meanings given those terms in section 118(a) of the Win Act (33 U.S.C. 2288(a)).

(b) Comprehensive Study.—The Secretary shall conduct a comprehensive study (referred to in this section as the ‘study’) to evaluate the effectiveness of carrying out additions, modifications, or upgrades to existing or new Federal projects that utilize natural features or nature-based features at or upstream of reservoirs for the purposes of—

(1) sustaining operations in response to changing hydrological and climatic conditions;

(2) mitigating the risk of drought or floods, including the loss of storage capacity due to sediment accumulation;

(3) increasing water supply; or

(4) aquatic ecosystem restoration.

(c) Study Focus.—In conducting the study, the Secretary shall include all reservoirs and associated access roads and reservoirs for which the Secretary has flood control responsibilities under section 7 of the Act of December 22, 1944 (commonly known as the ‘Flood Control Act of 1944’) (38 Stat. 890, chapter 665, 33 U.S.C. 709), in the South Pacific Division of the Corps of Engineers.

(d) Consultation and Use of Existing Data.—

(1) Consultation.—In conducting the study, the Secretary shall consult with appropriate Federal, State, and local agencies; (2) Indian Tribes; (3) non-Federal interests; and (4) other stakeholders, as determined appropriate by the Secretary.

(2) Use of Existing Data and Prior Studies.—To the maximum extent practicable and where appropriate, the Secretary may—

(A) use existing data provided by the Secretary by entities described in paragraph (1); and

(B) incorporate—

(i) relevant information from prior studies and projects carried out by the Secretary; and

(ii) the latest technical data and scientific approaches with respect to changing hydrological and climatic conditions.

(e) Report.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(1) the results of the study; and

(2) any recommendations on site-specific areas where additional study is recommended by the Secretary.

(f) Savings Provision.—Nothing in this section provides authority to the Secretary to change the authorized purposes at any of the reservoirs described in subsection (c).

SEC. 5215. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.

Section 8004(g) of the Water Resources Development Act of 2007 (33 U.S.C. 652 note; Public Law 110-114) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

(4) Report on Water Level Management.—Not later than 1 year after the date of completion of the comprehensive plan for Mississippi River water level management under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1623a-16), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report on opportunities identified in the comprehensive plan to expand the use of water level management on the Upper Mississippi River and Illinois Waterway System for the purpose of ecosystem restoration.

SEC. 5216. WEST VIRGINIA HYDROPOWER.

(a) In General.—For water resources development projects described in subsection (b), the Secretary is authorized—

(1) to evaluate the feasibility of modifications to such projects for the purposes of adding Federal hydropower or energy storage development; and

(2) to grant approval for the use of such projects for non-Federal hydropower or energy storage development in accordance with

(b) PROJECTS DESCRIBED.—The projects referred to in subsection (a) are the following:  

(1) Sutton Dam, Braxton County, West Virginia, authorized by section 5 of the Act of June 22, 1939 (49 Stat. 1586, chapter 688).  

(2) Hildebrandt Lock and Dam, Monongahela County, West Virginia, authorized by section 101 of the River and Harbor Act of 1924 (114 Stat. 2671; 121 Stat. 1150; 134 Stat. 2680) (as amended by subsection (n)).  

(3) Bluestone Lake, Summers County, West Virginia, authorized by section 5 of the Act of June 22, 1939 (49 Stat. 1586, chapter 688).  


(6) East Lynn Dam, Wayne County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1586, chapter 688).  

(7) Burnsville Lake, Braxton County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1586, chapter 688).  

(c) PROJECTS.—The authority for facility modifications under subsection (a) includes demonstration projects.

SEC. 5217. RECREATION AND ECONOMIC DEVELOPMENT FACILITIES IN APPALACHIA.  

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan to implement the recreational and economic development opportunities described in subsection (a)(1) of that section in Appalachia.  

(b) CONSIDERATIONS.—In preparing the plan under subsection (a), the Secretary shall consider options for Federal funding, partnerships, and outgrants to Federal, State, and local governments, nonprofit organizations, and commercial businesses.

SEC. 5218. AUTOMATED FEE MACHINES.  

For higher efficiency and diverse impacts to public access to outdoor recreation, to the maximum extent practicable, the Secretary shall consider alternatives to the use of automated fee machines for the collection of fees for the use of developed recreation sites and facilities in West Virginia.

SEC. 5219. LAKE CHAMPLAIN CANAL, VERMONT AND NEW YORK.  

Section 5146 of the Water Resources Development Act of 2007 (121 Stat. 1255) is amended by adding at the end the following:

"(e) FUNDING.—"  

"(1) IN GENERAL.—At the request of the non-Federal interest for the study of the Lake Champlain Canal Aquatic Invasive Species Barrier and out under section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671; 121 Stat. 1150; 134 Stat. 2682), the Secretary shall scope the phase II portion of the project to satisfy the feasibility determination under subsection (a).  

"(2) DISPERSAL BARRIER.—A dispersal barrier constructed, maintained, or operated under this subsection includes—  

"(A) physical hydrologic separation;  

"(B) nonstructural measures;  

"(C) deployment of technologies;  

"(D) water quantity and quality management;  

"(E) any combination of the approaches described in subparagraphs (A) through (D).""

SEC. 5220. REPORT ON CONCESSIONAIRE PRACTICES.  

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall instruct the Comptroller General of the United States to conduct an investigation of the use and enforcement of concessionaire lease practices by the Corps of Engineers.  

(b) INCLUSIONS.—The report under subsection (a) shall include, at a minimum—  

"(1) an analysis of the effectiveness of the formula of the Corps of Engineers for calculating concessionaire rental rates, taking into account the operating margins for sales of food and fuel; and  

"(2) the process for assessing administrative fees to concessionaires across districts of the Corps of Engineers.""
(f) OXFORD, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (g)) is amended by adding at the end the following:

``(281) OXFORD, MISSISSIPPI.—$10,000,000 for environmental infrastructure, including stormwater management, drainage systems, and water quality enhancement, Oxford, Mississippi.''

(s) MADISON COUNTY, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (t)) is amended by adding at the end the following:

``(280) MADISON COUNTY, MISSISSIPPI.—$10,000,000 for environmental infrastructure, including stormwater management, drainage systems, and water quality enhancement, Madison County, Mississippi.''

(t) RANKIN COUNTY, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (a)) is amended by adding at the end the following:

``(283) RANKIN COUNTY, MISSISSIPPI.—$10,000,000 for wastewater infrastructure, including stormwater management, drainage systems, and water quality enhancement, Rankin County, Mississippi.''

(v) DELAWARE.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (u)) is amended by adding at the end the following:

``(285) DELAWARE.—$50,000,000 for sewer, stormwater system improvements, storage treatment, environmental restoration, and related water infrastructure, Delaware.''

(x) QUEENS, NEW YORK.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (v)) is amended by adding at the end the following:

``(286) QUEENS, NEW YORK.—$20,000,000 for the design and construction of stormwater management and improvements to combined sewer systems, and to reduce the risk of flood impacts, Queens, New York.''

(x) GEORGIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (w)) is amended by adding at the end the following:

``(287) GEORGIA.—$75,000,000 for environmental infrastructure, Baldwin County, Barrow County, Floyd County, Hall County, Hall County, Jasper County, Lowndes County, Madison County, Newton County, Screven County, Telfair County, Tattnall County, Troup County, Twiggs County, and Yamachiche County.''

(1) in paragraph (1), by striking "$345,000,000" and inserting "$990,000,000";

(2) in paragraph (2), by striking "$150,000,000" and inserting "$200,000,000";

(3) in subsection (g), by striking "Lake Champlain Watershed, Vermont and New York."—Section 542 of the Water Resources Development Act of 2000 (113 Stat. 2671; 121 Stat. 1250) is amended—

(1) in subsection (b)(2)(C), by striking "planning" and inserting "clean water infrastructure planning, design, and construction"; and

(2) in subsection (g), by striking "$32,000,000" and inserting "$100,000,000".

(hh) TEXAS.—Section 5138 of the Water Resources Development Act of 2007 (121 Stat. 1250) is amended—

(1) in subsection (b), by striking "as identified by the Texas Water Development Board";

(2) in subsection (e)(3), by inserting "and construction" after "design work";

(3) by redesignating subsection (g) as subsection (h); and

(4) by inserting after subsection (f) the following:

``(hh) NONPROFIT ENTITIES.—In accordance with section 211(b) of the Flood Control Act of 1970 (42 U.S.C. 1962a-5(b)), for any project carried out under this section, a non-Federal entity may include the project with the consent of the affected local government.

``(hh) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.''

SEC. 5302. SOUTHERN WEST VIRGINIA.

(a) IN GENERAL.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended—

(1) in the section heading, by striking "ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM"; and

(2) in subsection (f) and inserting the following:

``(f) DEFINITION OF SOUTHERN WEST VIRGINIA.—In this section, the term 'southern West Virginia' means the counties of Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Roane, Summers, Wayne, Webster, Wirt, and Wyoming, West Virginia.''

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Water Resources Development Act of 1992 (106 Stat. 4799) is amended by striking the item relating to section 340 and inserting the following:

"Sec. 340. Southern West Virginia.''.

SEC. 5303. NORTHERN WEST VIRGINIA.

(a) IN GENERAL.—Section 571 of the Water Resources Development Act of 1999 (113 Stat. 371; 121 Stat. 1257; 134 Stat. 2719) is amended—

(1) in the section heading, by striking "CLOUDS" and inserting "NORTHERN";

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

``(a) DEFINITION OF NORTHERN WEST VIRGINIA.—In this section, the term 'northern West Virginia' means the counties of Barbour, Berkeley, Brooke, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Morgan, Monongalia, Ohio, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel, and Wood, and those counties referred to in subsection (b).''

(b) in subsection (b), by striking "central" and inserting "northern"; and
(4) in subsection (c), by striking ‘‘central’’ and inserting ‘‘northern’’.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 1999 (113 Stat. 269) is amended by striking the item relating to section 571 and inserting the following:

‘‘Sec. 571. Northern West Virginia.’’

SEC. 5304. LOCAL COOPERATION AGREEMENTS, NORTHERN WEST VIRGINIA.


(1) by striking ‘‘$200,000,000 for water and wastewater’’ and inserting the following:

‘‘(A) Shoreline revetment.—$200,000,000 for water and wastewater; and’’;

(2) by adding at the end the following:

‘‘(B) LOCAL COOPERATION AGREEMENTS.—Notwithstanding subsection (a), the Secretary may adopt a model agreement developed in accordance with section 571(e) of the Water Resources Development Act of 1999 (113 Stat. 371).’’

SEC. 5305. SPECIAL RULE FOR CERTAIN BEACH NOURISHMENT PROJECTS.

(a) IN GENERAL.—In the case of a water resources development project described in subsection (b), the Secretary shall—

(1) fund, at full Federal expense, any incremental increase in cost to the project that results from a legal requirement to use a borrow source developed in accordance with the secretarial decision to be other than the least-cost option; and

(2) exclude the cost described in paragraph (1) from the cost-benefit analysis for the project.

(b) AUTHORIZED WATER RESOURCES DEVELOPMENT PROJECTS DESCRIBED.—An authorized water resources development project referred to in subsection (a) is any of the following:


(5) A project for coastal storm risk management for any shore included in a project described in subsection (a) that is specifically authorized by Congress on or after the date of enactment of this Act.

(6) Emergency repair and restoration of any project described in this subsection that is specifically authorized by Congress on or after the date of enactment of this Act.

(b) AGREEMENTS.—


(2) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—For the project described in subparagraph (A), the Secretary shall include in the cost of the project, and credit toward the non-Federal share of that cost, the value of land, easements, and rights-of-way required by the non-Federal interest in the project, including the value of land, easements, and rights-of-way required for the project that are owned or held by the non-Federal interest for other non-Federal purposes.

(C) ADDITIONAL ELIGIBILITY.—Unless otherwise directed in an Act making annual appropriations for the Corps of Engineers for a war in operation after the date of enactment of this Act, the Administrator shall determine an additional appropriation is required to continue or complete construction of the project described in subparagraph (A), the project shall be eligible for additional funding appropriated by that Act in the Construction account of the Corps of Engineers.

(i) without a new investment decision; and

(ii) on the same terms as a project that is not the project described in subparagraph (A).

(7) SOUTH SHORE STATEN ISLAND, NEW YORK.—The Federal share of any portion of the cost to design and construct the project for coastal storm risk management, South Shore Staten Island, New York, authorized by section 5401(3), that exceeds the estimated total project cost specified in the project agreement approved for the project, signed by the Secretary on February 15, 2019, shall be 90 percent.

(b) AGREEMENTS.—

(1) STUDIES AND PROJECTS WITH MULTIPLE NON-FEDERAL INTERESTS.—At the request of the applicable non-Federal interests for the project described in subsection (a), the Secretary shall—

(B) COST-SHARE.—The Federal share of the cost of the project described in paragraph (A) shall be 90 percent.

(2) SOUTH SAN FRANCISCO BAY SHORELINE, CALIFORNIA.—

(A) IN GENERAL.—Except for funds required for a betterment or for a locally preferred plan, the Secretary shall not require the non-Federal interest for the project for flood risk management, recreation, and water quality, South San Francisco Bay Shoreline, California, authorized by section 103 of the Water Resources Development Act of 1988 (33 U.S.C. 2213), to contribute funds under an agreement entered into prior to the date of enactment of this Act in excess of the total cash contribution required under section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).
(B) REQUIREMENT.—The Secretary shall not, at any time, defer, suspend, or terminate construction of the project described in subparagraph (A) solely on the basis of a determination by the Secretary that additional appropriation is required to cover the Federal share of the cost to complete construction of the project, if Federal funds in an amount sufficient to cover the Federal share of the cost to complete construction of the project remain available in the allocation for the project under the Long-Term Disaster Recovery Investment Plan for amounts appropriated under the heading “CONSTRUCTION” under the heading “CORPS OF ENGINEERS—CIVIL—DEPARTMENT OF THE ARMY” of division B of the Bipartisan Budget Act of 2018 (Public Law 115–123; 132 Stat. 76).

SEC. 5308. PORT FOURCHON, LOUISIANA, DREDGED MATERIAL DISPOSAL PLAN.

The Secretary shall determine that the dredged material disposal plan recommended in the document entitled “Port Fourchon Belle Pass Channel Deepening Project Section 203 Feasibility Study (January 2019, revised January 2020)” is the least cost, environmentally sustainable dredged material disposal plan for the project for navigation, Port Fourchon Belle Pass Channel, Louisiana, authorized by section 403(a)(4) of the Water Resources Development Act of 2020 (134 Stat. 2743).

SEC. 5309. DELAWARE SHORE PROTECTION AND RESTORATION.

(a) DELAWARE BENEFICIAL USE OF DREDGED MATERIAL FOR THE DELAWARE RIVER, DELAWARE.—

(1) IN GENERAL.—The project for coastal storm risk management of the Delaware River, Delaware, authorized by section 403(a)(4) of the Water Resources Development Act of 2022 (33 U.S.C. 2326(d)) (referred to in this subsection as the “project”), is modified—

(A) to direct the Secretary to implement the project using alternative borrow sources to the Delaware River, Philadelphia to the Sea, project, Delaware, New Jersey, Pennsylvania, authorized by the Act of June 25, 1910 (chapter 382, 36 Stat. 637, 36 Stat. 921; 52 Stat. 800; 59 Stat. 1337, 1338; and 136 Stat. 2147); and

(B) until the Secretary implements the modification under subparagraph (A), to authorize the Secretary, at the request of a non-Federal person, to carry out construction or periodic nourishments at any site included in the project under—

(i) section 1122 of the Water Resources Development Act of 2022 (33 U.S.C. 2326 note; Public Law 114–322); or

(ii) section 204(d) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(d)).

(2) TREATMENT.—If the Secretary determines that a study is required to carry out paragraph (1)(A), the study shall be considered to be a continuation of the study that formed the basis for the project.

(3) COST-SHARE.—The Federal share of the cost of the project, including the cost of any modifications carried out under subsection (a)(1), shall be 90 percent.

(b) INDIAN RIVER INLET SAND BYPASS PLANT, DELAWARE.—

(1) IN GENERAL.—The Indian River Inlet Sand Bypass Plant, Delaware, coastal storm risk management project (referred to in this subsection as the “project”), authorized by section 869 of the Water Resources Development Act of 2014 (33 U.S.C. 2282d) after the date of enactment of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282e) and section 904(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2281a(a)) exceed the cost for work carried out under this subsection.

(2) SAVINGS PROVISION.—The authority provided by this subsection shall be in addition to any authority provided by section 5(a) of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)), if—

(A) the structure, project, or beach is damaged by wind, wave, or water action associated with a storm of any magnitude; and

(B) the damage prevents the adequate functioning of the structure, project, or beach.

(c) DELAWARE EMERGENCY SHORE RESTORATION.—

(1) IN GENERAL.—The Secretary is authorized to carry out additional construction, repair, or relocation activity to restore a beach or federally authorized hurricane or shore protective structure or project located in the State of Delaware pursuant to section 5(a) of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)), if—

(A) the structure, project, or beach is damaged by wind, wave, or water action associated with a storm of any magnitude; and

(B) the damage prevents the adequate functioning of the structure, project, or beach.

(2) TREATMENT.—If the Secretary determines that the benefits attributable to the objectives set forth in section 208 of the Flood Control Act of 1970 (42 U.S.C. 1962–4) and section 904(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2281a(a)) exceed the cost for work carried out under this subsection.

(3) SAVINGS PROVISION.—The authority provided by this subsection shall be in addition to any authority provided by section 5(a) of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)) to repair or restore a beach or federally authorized hurricane or shore protective structure or project located in the State of Delaware damaged or destroyed by wind, wave, or water action of other than an ordinary nature.

(d) INDIAN RIVER INLET AND BAY, DELAWARE.—

(1) IN GENERAL.—The project for coastal storm risk management of the navigation of the project for navigation, Indian River Inlet and Bay, Delaware, authorized by the Act of August 26, 1937 (30 Stat. 846, chapter 832), and section 2 of the Act of March 2, 1945 (59 Stat. 14, chapter 19), the Secretary shall repair, restore, or relocate any non-Federal facility or other infrastructure, that has been damaged in whole or in part, by the deterioration or failure of the project.

(2) TREATMENT.—If the Secretary determines that a study is required to carry out paragraph (1), the study shall be considered to be a continuation of the study that formed the basis for the project.

(3) COST-SHARE.—The Federal share of the cost of the project, including the cost of any modifications carried out under subsection (a)(1), shall be 90 percent.

(b) AMOUNT.—For each fiscal year, the Secretary may reprogram—

(i) not more than $100,000 per reprogramming action; and—

(ii) not more than $300,000 for each fiscal year.

SEC. 5310. GREAT LAKES ADVANCE MEASURES ASSISTANCE.

Section 5(a) of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)) (as amended by section 512(b)), is amended by adding at the end the following:

“(7) SPECIAL RULE.—

“(A) IN GENERAL.—The Secretary shall not, at any time, defer, suspend, or terminate construction of the project described in this subsection to reduce the risk of damage from rising water levels in the Great Lakes solely on the basis that the damage is caused by erosion.

“(B) FEDERAL SHARE.—Assistance provided by the Secretary pursuant to a request under subparagraph (A) may be at full Federal expense if the assistance is to construct advanced measures to a temporary construction standard.”.

SEC. 5311. REHABILITATION OF EXISTING LEVEES.

Section 3017(e) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c) (Public Law 113–281) is amended—

(1) by striking “this subsection” and inserting “this section”;

(2) by adding “10 years” and inserting “20 years”;

(3) by adding “10 years” in place of “5 years”;

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

(5) by adding paragraph (3) the following:

“(4) MAXIMUM FEDERAL AMOUNT.—For a project carried out under this subsection, the maximum Federal amount, if applicable, shall be increased by the sum of the non-Federal share that would otherwise be required for the project under the applicable continuing authority program.”.

SEC. 5312. PILOT PROGRAM FOR CERTAIN COMMUNITIES.

(a) PILOT PROGRAMS ON THE FORMULATION OF CORPS OF ENGINEERS PROJECTS IN RURAL COMMUNITIES AND ECONOMICALLY DISADVANTAGED COMMUNITIES.—Section 118 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260) is amended—

(1) in subsection (b)(2)(C), by striking “10” and inserting “20”;

(2) in subsection (c)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking “make a recommendation to Congress on up to 10 projects” and inserting “recommend projects to Congress”;

(B) by striking “10 years” and inserting “20 years”;

(3) in subsection (d)(1) the following:

“(4) MAXIMUM FEDERAL AMOUNT.—For a project carried out under this subsection, the maximum Federal amount, if applicable, shall be increased by the sum of the non-Federal share that would otherwise be required for the project under the applicable continuing authority program.”.

SEC. 5313. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED PUMP STATIONS.

Section 133 of the Water Resources Development Act of 2020 (33 U.S.C. 2227a) is amended—

(1) by striking “this subsection” and inserting “this section”;

(2) by adding “10 years” and inserting “20 years”;

(3) by adding “10 years” in place of “5 years”;

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

(5) by adding paragraph (3) the following:

“(4) MAXIMUM FEDERAL AMOUNT.—For a project carried out under this subsection, the maximum Federal amount, if applicable, shall be increased by the sum of the non-Federal share that would otherwise be required for the project under the applicable continuing authority program.”.
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(1) in subsection (a), by striking paragraph (1) and inserting the following:
(1) ELIGIBLE PUMP STATION.—The term ‘‘eligible pump station’’ means a pump station that—
(A) is a feature of a federally authorized flood or coastal storm risk management project; or
(B) is capable of an inoperable, would impair drainage of water from areas into a federally authorized flood or coastal storm risk management project.’’;
(2) by striking subsection (b) and inserting the following:
(‘‘b) AUTHORIZATION.—The Secretary may carry out rehabilitation of an eligible pump station if the Secretary determines that—
(1) the pump station has a major deficiency; and
(2) the rehabilitation is feasible.’’; and
(3) by striking subsection (f) and inserting the following:
(‘‘f) PRIORITIZATION.—To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this section to economically disadvantaged communities.’’.

SEC. 5314. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.
Section 510(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3759; 128 Stat. 1317) is amended—
(1) in subparagraph (B), by inserting ‘‘and streambanks’’ after ‘‘shorelines’’;
(2) in subparagraph (E), by striking ‘‘and at the end;
(3) by redesignating subparagraph (F) as subparagraph (H); and
(4) by inserting after subparagraph (E) the following:
‘‘(G) wastewater treatment and related facilities;
(’’G) stormwater and drainage systems; and’’;

SEC. 5315. EVALUATION OF HYDROLOGIC CHANGES IN SOURIS RIVER BASIN.
The Secretary is authorized to evaluate hydrologic changes affecting the agreement entitled ‘‘Agreement Between the Government of Canada and the United States of America for Water Supply and Flood Control in the Souris River Basin’’, signed in 1989.

SEC. 5316. MEMORANDUM OF UNDERSTANDING RELATING TO BALDHHILL DAM, NORTH DAKOTA.
The Secretary may enter into a memorandum of understanding with the Federal Interagency for the Red River Valley Water Supply Project to accommodate flows for downstream users through Baldhill Dam, North Dakota.

SEC. 5317. UPPER MISSISSIPPI RIVER REHABILITATION PROGRAM.
Section 1203(e)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(3)) is amended by striking ‘‘$40,000,000’’ and inserting ‘‘$75,000,000’’.

SEC. 5318. HARMFUL ALGAL BLOOM DEMONSTRATION PROGRAM.
Section 1222(c) of the Water Resources Development Act of 2020 (33 U.S.C. 610 note; Public Law 116-260) is amended by inserting ‘‘the Upper Mississippi River and its tributaries in the State of New York.’’

SEC. 5319. COLLETON COUNTY, SOUTH CAROLINA.
Section 221(a)(4)(C)(1) of the Flood Control Act of 1970 (42 U.S.C. 1662a–5(b)(4)(C)(1)) shall not apply to construction carried out by the non-Federal interest before the date of enactment of this Act for the project for hurricane and storm damage risk reduction, Colleton County, South Carolina, authorized by section 1401(3) of the Water Resources Development Act of 2016 (130 Stat. 1711).

SEC. 5320. ARKANSAS RIVER CORRIDOR, OKLAHOMA.
Section 332 of the Water Resources Development Act of 2007 (121 Stat. 1141) is amended by striking subsection (b) and inserting the following:
‘‘(b) AUTHORIZED COST.—The Secretary is authorized to carry out construction of the project under this section at a total cost of $128,400,000, with the cost shared in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2223).

(’’(c) ADDITIONAL FEASIBILITY STUDIES AUTHORIZED.—
(1) in General.—The Secretary is authorized to carry out additional feasibility studies for the purposes of reevaluating the feasibility of the project for navigation, Wolf River, Tennessee (as described in section 202 of the Act of June 16, 1933 (48 Stat. 200, chapter 90) (commonly known as the ‘‘National Industrial Recovery Act’’), and modified by section 203 of the Flood Control Act of 1958 (72 Stat. 308), is modified to reduce the authorized dimensions of the project, such that the remaining authorized dimensions are a 250-foot-wide, 9-foot-depth channel with a centerline beginning at a point 35.139634, -90.025435 and extending approximately 8,300 feet to a point 35.106556, -90.025436.

SEC. 5326. WOLF RIVER HARBOR, TENNESSEE.
Beginning on the date of enactment of this Act, the project for navigation, Wolf River Harbor, Tennessee, authorized by the non-Federal interest before the date of enactment of this Act, the project for navigation, Wolf River Harbor, Tennessee, is amended by—
(1) striking ‘‘the Upper Mississippi River and its tributaries’’;
(2) by striking ‘‘the Lake Erie Basin, the Ohio River Basin,’’ and inserting ‘‘the Lake Erie Basin, the Ohio River Basin, after ‘‘the Upper Snake River Basin’’;’’; and
(3) by striking subsection (b), by inserting ‘‘hydrilla (Hydrilla verticillata),’’ after ‘‘trout (Salmo gairdneri)’’; after

SEC. 5327. MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA.
The matter under the heading ‘‘Missouri River Mitigation, Missouri, Kansas, Iowa, and Nebraska’’ in section 601(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213), is amended by—
(1) striking ‘‘$30,000,000’’ and inserting ‘‘$50,000,000’’.

SEC. 5328. INVASIVE SPECIES MANAGEMENT PILOT PROGRAM.
Section 509(a)(2) of the Water Resources Development Act of 2020 (33 U.S.C. 610 note; Public Law 116-260) is amended—
(1) in subparagraph (C), by striking ‘‘or on the day before the date of enactment of this Act’’; and
(2) terms and conditions.

(b) CONDITIONS.—Any conveyance of land under this section shall be by quitclaim deed.

(2) TERMS AND CONDITIONS.—The Secretary may subject any conveyance or release of easement under this section to terms and conditions as the Secretary determines necessary and advisable to protect the United States.

(c) ADMINISTRATIVE COSTS.—In accordance with section 2606 of title 10, United States Code, the Port of Corpus Christi shall be responsible for the costs incurred by the Secretary to convey land or release easements under this section.

SEC. 5329. NUMBER 22 CINCO CYCLE, TEXAS, CONVEYANCES.
(1) IN GENERAL.—On receipt of a written request of the Port of Corpus Christi, the Secretary shall—
(1) review the land owned and easements held by the United States for purposes of navigation in Nueces County, Texas; and
(2) convey to the Port of Corpus Christi or, in the case of an easement, release to the owner of the fee title to the land subject to such easement, without consideration, all such land and easements described in paragraph (1) that the Secretary determines are no longer required for project purposes.

(b) CONDITIONS.—Any conveyance of land under this section shall be by quitclaim deed.

(1) TERMS AND CONDITIONS.—The Secretary may subject any conveyance or release of easement under this section to terms and conditions as the Secretary determines necessary and advisable to protect the United States.

(c) ADMINISTRATIVE COSTS.—In accordance with section 2606 of title 10, United States Code, the Port of Corpus Christi shall be responsible for the costs incurred by the Secretary to convey land or release easements under this section.

SEC. 5330. MISSISSIPPI DELTA HEADWATERS, MISSISSIPPI.
As part of the authority of the Secretary to carry out the project for flood damage reduction, bank stabilization, and sediment
and erosion control, Yawoo Basin, Mississippi Delta Headwaters, Mississippi, authorized by the matter under the heading “ENHANCEMENT OF WATER RESOURCE BENEFITS AND FOR EMERGENCY DISASTER WORK” in title I of Public Law 98–8 (97 Stat. 21), the Secretary may carry out emergency maintenance activities, as the Secretary determines to be necessary, for federal facilities described in this project completed before the date of enactment of this Act.

**SEC. 5331. ECOSYSTEM RESTORATION, HUDSON-RARITAN ESTUARY, NEW YORK AND NEW JERSEY.**

(a) IN GENERAL.—The Secretary may carry out additional feasibility studies for ecosystem restoration, Hudson-Raritan Estuary, New York and New Jersey, authorized by section 401(5) of the Water Resources Development Act of 2020 (134 Stat. 27).

(b) TIMELY REIMBURSEMENT.-(a) DEFINITION OF COVERED PROJECT.—In this section, the term ‘covered project’ means a project for which a navigation authorized by section 1401(1) of the WIIN Act (130 Stat. 1708).

(b) REIMBURSEMENT REQUIRED.—In the case of a covered project for which the non-Federal interest has advanced funds for construction of the project, the Secretary shall reimburse the non-Federal interest for advance funds that exceed the non-Federal share of construction of the project as soon as practicable after the completion of each individual contract for the project.

**SEC. 5333. NEW SAVANNAH BLUFF LOCK AND DAM, GEORGIA AND SOUTH CAROLINA.**

Section 1319(c) of the WIIN Act (130 Stat. 1704) is amended by striking paragraph (2) and inserting the following:

(1) by striking paragraph (3);
(2) by striking paragraphs (1) and (B) of section 1319(c) of the WIIN Act (130 Stat. 1704); and
(3) in subsection (d)(5), by striking “100 percent”.

**SEC. 5334. LAKE TAHOE BASIN RESTORATION, NEVADA AND CALIFORNIA.**

(a) DEFINITION.—In this section, the term “Lake Tahoe Basin” means the entire watershed of Lake Tahoe including the portion of the Truckee River 1,000 feet downstream from the United States Bureau of Reclamation dam in Tahoe City, California.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program for providing environmental assistance to non-Federal interests in Lake Tahoe Basin.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of planning, design, and construction assistance for water-related environmental infrastructure and conservation projects and development projects in Lake Tahoe Basin—

(1) urban stormwater conveyance, treatment and related facilities;
(2) watershed planning, science and research;
(3) environmental restoration; and
(4) surface water resource protection and development.

(d) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) LOCAL COOPERATION AGREEMENT.—(1) In granting assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide—

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State and Regional officials, of appropriate environmental documentation, engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST-SHARING.—(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of planning and design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations provided by the non-Federal interest toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(D) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(4) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law.

**SEC. 5338. COPAN LAKE, OKLAHOMA.**

(a) IN GENERAL.—The Secretary shall amend the Coppin County Subbasin Management Plan by inserting, after “(2) Requirement” in section 1131(c) of the Water Resources Development Act of 2000 (33 U.S.C. 2366), the following—

(1) by striking paragraph (a); and
(2) by substituting “2005” for “2004” in paragraph (b).

(b) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.
SEC. 5340. ENHANCED DEVELOPMENT PROGRAM.

The Secretary shall fully implement opportunities for enhanced development at Oklahoma Lakes under the authorities provided初始于《Water Resources Development Act of 2007》第121条(第121条第2740款)和第164条《Water Resources Development Act of 2020》第134条(第134条第2698款)。

SEC. 5340. ECOSYSTEM RESTORATION COORDINATION.

(a) In General.—In carrying out the project for ecosystem restoration, South Fork of the South Branch of the Chicago River, Bubbly Creek, Illinois, authorized by section 4 of the River and Harbor Act of 1946 (60 Stat. 634) and amended—

(1) in subsection (b)—

(A) by striking “(b) Subject to section 903(a) of this Act, the Secretary shall authorize and directed to undertake” and inserting the following:

“the Secretary shall authorize and directed to undertake”;

(B) by inserting “canals” and “all that follows through ‘5 percent.’” and inserting the following:

“and 176 and 180.5 acres . . . and at the following 3 parcels in Rogers County, Oklahoma:


(B) Parcel 2 includes U.S. tract 124 (partial) and U.S. tract 128 (partial).

(C) Parcel 3 includes U.S. tract 128 (partial).

(2) DETERMINATION REQUIRED.—

(A) IN GENERAL.—Subject to paragraph (1) and subparagraphs (B), (C), and (D), the Secretary shall determine the property description and acreage of the Federal land to be conveyed under this section.

(B) REQUISITES.—In determining the determination under subparagraph (A), the Secretary shall reserve from conveyance such easements, rights-of-way, and other interests as the Secretary considers to be necessary and appropriate to ensure the continued operation of the McClellan-Kerr Arkansas River navigation project, including New Graham Lock and Dam 18 as a part of that project, as authorized under the comprehensive plan for the Arkansas River Basin by section 3 of the Act of June 28, 1938 (52 Stat. 1218, chapter 785), and section 10 of the Flood Control Act of 1946 (60 Stat. 647, chapter 596) and where applicable the provisions of the River and Harbor Act of 1946 (60 Stat. 634, chapter 596) and the Energy and Water Development Appropriations Act, 1988 (Public Law 100–202; 101 Stat. 1329–112), and section 136 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–187; 117 Stat. 1482).

(C) OBSTRUCTIONS TO NAVIGABLE CAPACITY.—A conveyance under this subsection shall not affect the jurisdiction of the Secretary under section 10 of the Act of March 3, 1899 (commonly known as the “Rivers and Harbors Act of 1899”) (30 Stat. 1151, chapter 525; 33 U.S.C. 261) with respect to the Federal land conveyed.

(D) SURVEY REQUIRED.—The exact acreage and the legal description of any Federal land conveyed under this subsection shall be determined by a survey that is satisfactory to the Secretary.

(c) APPLICABILITY.—Section 2906 of title 10, United States Code, shall not apply to the conveyance under this section.

(d) COSTS.—The Port Authority shall be responsible for all survey and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(e) HOLD HARMLESS.—The Port Authority shall hold the United States harmless from any liability with respect to activities carried out on or after the date of the conveyance under the Act on the Federal land conveyed.

(2) LIMITATION.—The United States shall remain responsible for any liability incurred with respect to activities carried out before the date of this Act on the Federal land conveyed under this section on the Federal land conveyed.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.
SEC. 5345. NORTH PADRE ISLAND, CORPUS CHRISTI BAY, TEXAS.

The project for ecosystem restoration, North Padre Island, Corpus Christi Bay, Texas, constructed by the Secretary prior to the date of enactment of this Act under section 535 of the Water Resources Development Act of 1999 (133 Stat. 103), shall not be eligible for repair and restoration assistance under section 5(a) of the Act of August 18, 1911 (commonly known as the "Flood Control Act of 1911") (33 U.S.C. 701a(a)).

SEC. 5346. WAIVER OF NON-FEDERAL SHARE OF DAMAGES RELATED TO CERTAIN CONTRACT CLAIMS.

In a case in which the Armed Services Board of Contract Appeals or a court of competent jurisdiction considered a decision on a claim that was at least 20 years before the date of enactment of this Act awarding damages to a contractor relating to the adjudication of claims arising from the construction of general navigation features of a project carried out under section 107 of the River and Harbor Act of 1969 (33 U.S.C. 577), notwithstanding the terms of the Project Partnership Agreement, the Secretary shall waive payment of the share of the non-Federal interest of such damages, including attorney fees, to the Secretary:

(1) terminated construction of the project prior to completion of all features; and

(2) has not collected payment from the non-Federal participant prior to the date of enactment of this Act.

SEC. 5347. ALGIER CANAL LEVEES, LOUISIANA.

In accordance with section 328 of the Water Resources Development Act of 1999 (113 Stat. 304; 121 Stat. 1129), the Secretary shall resume operation, maintenance, repair, rehilitation, and replacement of the Algiers Canal Levees, Louisiana, at full Federal expense.

SEC. 5348. ISRAEL RIVER ICE CONTROL PROJECT, LANCASTER, NEW HAMPSHIRE.

Beginning on the date of enactment of this Act, the project for flood control, Israel River, Lancaster, New Hampshire, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701a) is no longer authorized.

SEC. 5349. CITY OF EL DORADO, KANSAS.

The Secretary shall amend Contract DCA–78–C–0014, between the United States and the City of El Dorado, Kansas, entered into on June 30, 1972, for the utilization by the City of storage space for water supply in El Dorado, Kansas, to allow the City to determine the method of calculation of the interest charges that began accruing on June 30, 1991, on the investment costs for the 72,087 acre-feet of future use storage space, from compounding interest annually to charging simple interest annually on the principal amount, until—

(1) the City desires to convert the future use storage space to present use; and

(2) the principal amount plus the accumulated interest becomes payable pursuant to the terms of the Contract.

SEC. 5350. UPPER CONGO RIVER PROTECTION.

Section 2010 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1270; 132 Stat. 3812) is amended by adding at the end the following:

“(f) LIMITATION.—The Secretary shall not recommission the authorization of the Upper St. Anthony Falls Lock and Dam unless the Secretary identifies a willing and capable non-Federal public entity to assume ownership of the lock and dam.

(g) MODIFICATION.—The Secretary is authorized to investigate the feasibility of modifying the Upper St. Anthony Falls Lock and Dam to provide restoration, including the prevention and control of invasive species, as an authorized purpose.”.

SEC. 5351. REGIONAL CORPS OF ENGINEERS OFFICE, CORPUS CHRISTI, TEXAS.

(a) IN GENERAL.—At such time as new facilities are available to the Corps of Engineers, and subject to this section, the Secretary shall convey to the Secretary of the Army the property described in subsection (c) (subject to clause (i) of section 328 of the Water Resources Development Act of 1977 (33 U.S.C. 601)).

(b) MODIFICATION.—The Secretary may modify the property conveyed under subsection (a) to the extent necessary to make the property useful for the federal government.

SEC. 5352. FLOOD PROGRAM FOR GOOD NEIGHBOR AUTHORITY ON CORPS OF ENGINEERS LAND.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED RESTORATION SERVICES.—The term "authorized restoration services" means services, including any obligation for compensation for services, provided with Federal funds.

(2) STATE.—The term "State" means any State in which the Federal land is located.

(3) FOREST, RANGELAND, AND WATERSHED SERVICES.—The term "forest, range, and watershed services" means—

(A) activities to treat insect-infected and disease-infected trees;

(B) activities to reduce hazardous fuels; and

(C) any other activities to improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(b) GOOD NEIGHBOR AGREEMENT.—The term "good neighbor agreement" means a cooperative agreement (including a sole source contract) entered into between the Secretary and Governor under subsection (a).

(c) WAIVER OF NON-FEDERAL SHARE OF REVENUE.—The Secretary shall carry out authorized restoration services pursuant to a good neighbor agreement and:

(1) construction, reconstruction, repair, or restoration of paved or permanent roads or parking, fencing, or other road reconstruction, repair, or restoration of a road that is necessary to carry out authorized restoration services pursuant to a good neighbor agreement;

(2) construction, alteration, repair or replacement of public buildings or public works.

(3) GOOD NEIGHBOR AGREEMENT.—The term "good neighbor agreement" means a cooperative agreement (including a sole source contract) entered into between the Secretary and Governor under subsection (a).

(d) ANNUAL REPORT.—The Governor shall provide an annual report to the Secretary on the results of the carry out authorized restoration services pursuant to a good neighbor agreement.

SEC. 5353. PILOT PROGRAM FOR GOOD NEIGHBOR AUTHORITY ON CORPS OF ENGINEERS LAND.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED RESTORATION SERVICES.—The term "authorized restoration services" means services, including any obligation for compensation for services, provided with Federal funds.

(2) STATE.—The term "State" means any State in which the Federal land is located.

(3) FOREST, RANGELAND, AND WATERSHED SERVICES.—The term "forest, range, and watershed services" means—

(A) activities to treat insect-infected and disease-infected trees;

(B) activities to reduce hazardous fuels; and

(C) any other activities to improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(b) GOOD NEIGHBOR AGREEMENT.—The term "good neighbor agreement" means a cooperative agreement (including a sole source contract) entered into between the Secretary and Governor under subsection (a).

(c) ANNUAL REPORT.—The Governor shall provide an annual report to the Secretary on the results of the carry out authorized restoration services pursuant to a good neighbor agreement.

(d) CONSTRUCTION.—The Governor shall carry out authorized restoration services pursuant to a good neighbor agreement.

(e) ANNUAL REPORT.—The Governor shall provide an annual report to the Secretary on the results of the carry out authorized restoration services pursuant to a good neighbor agreement.

SEC. 5354. REGIONAL CORPS OF ENGINEERS OFFICE, CORPUS CHRISTI, TEXAS.

(a) IN GENERAL.—At such time as new facilities are available to the Corps of Engineers, and subject to this section, the Secretary shall convey to the Secretary of the Army the property described in subsection (c) (subject to clause (i) of section 328 of the Water Resources Development Act of 1977 (33 U.S.C. 601)).

(b) MODIFICATION.—The Secretary may modify the property conveyed under subsection (a) to the extent necessary to make the property useful for the federal government.

SEC. 5355. UPPER CONGO RIVER PROTECTION.

Section 2010 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1270; 132 Stat. 3812) is amended by adding at the end the following:

“(f) LIMITATION.—The Secretary shall not recommission the authorization of the Upper St. Anthony Falls Lock and Dam unless the Secretary identifies a willing and capable non-Federal public entity to assume ownership of the lock and dam.

(g) MODIFICATION.—The Secretary is authorized to investigate the feasibility of modifying the Upper St. Anthony Falls Lock and Dam to provide restoration, including the prevention and control of invasive species, as an authorized purpose.”.

SEC. 5356. REGIONAL CORPS OF ENGINEERS OFFICE, CORPUS CHRISTI, TEXAS.

(a) IN GENERAL.—At such time as new facilities are available to the Corps of Engineers, and subject to this section, the Secretary shall convey to the Secretary of the Army the property described in subsection (c) (subject to clause (i) of section 328 of the Water Resources Development Act of 1977 (33 U.S.C. 601)).

(b) MODIFICATION.—The Secretary may modify the property conveyed under subsection (a) to the extent necessary to make the property useful for the federal government.

SEC. 5357. REGIONAL CORPS OF ENGINEERS OFFICE, CORPUS CHRISTI, TEXAS.

(a) IN GENERAL.—At such time as new facilities are available to the Corps of Engineers, and subject to this section, the Secretary shall convey to the Secretary of the Army the property described in subsection (c) (subject to clause (i) of section 328 of the Water Resources Development Act of 1977 (33 U.S.C. 601)).

(b) MODIFICATION.—The Secretary may modify the property conveyed under subsection (a) to the extent necessary to make the property useful for the federal government.

SEC. 5358. REGIONAL CORPS OF ENGINEERS OFFICE, CORPUS CHRISTI, TEXAS.

(a) IN GENERAL.—At such time as new facilities are available to the Corps of Engineers, and subject to this section, the Secretary shall convey to the Secretary of the Army the property described in subsection (c) (subject to clause (i) of section 328 of the Water Resources Development Act of 1977 (33 U.S.C. 601)).

(b) MODIFICATION.—The Secretary may modify the property conveyed under subsection (a) to the extent necessary to make the property useful for the federal government.

(3) NON-FEDERAL RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any authorization granted under this section or provision made under this section shall be made by the person or entity designated to carry out that authorization, agreement, or provision under this section on Federal land shall not be delegated to the Governor.

SEC. 5353. SOUTHEAST DES MOINES, SOUTHWEST PLEASANT HILL, IOWA.

(a) Project Modifications.—The project for flood risk management and other purposes, on the Iowa and Lake Calhoun, Mississippi River, Iowa (referred to in this section as the ‘‘Red Rock Dam Project’’), authorized by section 10 of the Act of December 22, 1944 (commercially referred to as the ‘‘Flood Control Act of 1944’’) (58 Stat. 896, chapter 665), and the project for flood risk management, Des Moines Local Flood Protection, Des Moines River, Iowa (referred to in this section as ‘‘Flood Protection Project’’), authorized by section 10 of that Act (58 Stat. 896, chapter 665), shall be modified as follows, subject to a new or amended agreement between the Secretary and the non-Federal interest for a new or amended agreement between the Secretary and the non-Federal interest for the Flood Protection Project, the City of Des Moines, Iowa (referred to in this section as the ‘‘City’’), under section 10 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b):

(1) That portion of the Red Rock Dam Project consisting of the segment of levee from Station 15+88.8W to Station 77+43.7W shall be transferred to the Flood Protection Project.

(2) The relocated levee construction constructed by the City, from Station 77+43.7W to approximately Station 20+00, shall be included in the Flood Protection Project.

(b) Federal Easement Conveyances.—(1) The Secretary is authorized to convey the following easements, acquired by the Federal Government for the Red Rock Dam Project, to the City to become part of the Flood Protection Project in accordance with subsection (a):

(A) Easements identified as Tracts 3215E-1, 3215E-5, and 3227E.

(B) Easements identified as Partial Tracts 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

(2) On representation of the new or amended agreement pursuant to the Federal easement conveyances under paragraph (1), the Secretary is authorized to convey the following easements, acquired by the Federal Government for the Red Rock Dam project, to the City or to the Des Moines Metropolitan Wastewater Reclamation Authority and no longer required for the Red Rock Dam Project or for the Des Moines Local Flood Protection Project:

(A) Easements identified as Tracts 3202E, 3202E-1, 3202E-2, 3202E-4, 3230E-2, 3215E-3, 3215E-1, and 3215E-5.

(B) Easements identified as Partial Tracts 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

(3) All real property interests conveyed under this subsection shall be subject to the standard release of easement disposal process. All associated expenses, including the transfer of the subject easements to the City or to the Des Moines Metropolitan Wastewater Reclamation Authority will be borne by the transferee.

SEC. 5354. MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELEN, NEW MEXICO.

In the case of the project for flood risk management, Middle Rio Grande, Bernalillo to Belen, New Mexico, authorized by section 2 of the Water Resources Development Act of 2020 (134 Stat. 2735), the non-Federal share of the cost of the project shall be the percentage described in section 103(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(2)) (as in effect on the day before the date of enactment of the Water Resources Development Act of 1986 (110 Stat. 3658)).

SEC. 5355. COMPREHENSIVE EVERGLADES RESTORATION PLAN, FLORIDA.

(a) In General.—Section 601(e)(5) of the Water Resources Development Act of 2000 (114 Stat. 2688; 132 Stat. 3786) is amended by striking subparagraph (E) and inserting the following:

‘‘(E) PERIODIC MONITORING.—

(1) In General.—To ensure that the contribution of the non-Federal sponsor to the construction phase for each project in the Plan, during each period of 5 fiscal years, beginning on October 1, 2022, the Secretary shall conduct periodic monitoring of the non-Federal contribution for each project—

(I) monitor the non-Federal proportion of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(2) OTHER MONITORING.—The Secretary shall conduct, separately for the construction phase for each project in the Plan—

(i) develop and implement a plan for the monitoring of the non-Federal sponsor’s contribution for each project in the Plan, during each period of 5 fiscal years, beginning on October 1, 2022, including at a minimum—

(A) a description of the standards for the monitoring of the non-Federal sponsor’s contribution for each project in the Plan, during each period of 5 fiscal years, beginning on October 1, 2022, and

(B) develop a mechanism for the sharing of information with the non-Federal sponsor.

(ii) monitor the non-Federal sponsor’s actual contribution to the Plan, during each period of 5 fiscal years, beginning on October 1, 2022, including at a minimum—

(I) monitor the non-Federal sponsor’s actual contribution to the Plan, during each period of 5 fiscal years, beginning on October 1, 2022, and

(ii) determine the timing and amount of any Federal contributions for the period of 5 fiscal years, beginning on October 1, 2022.

(3) LIMITATION.—As applicable, and after including consideration of all contributions (as described in clause (i)) for the construction phase, the Secretary shall provide to the non-Federal sponsor a financial accounting of all Federal contributions under clause (i)(I) for such fiscal year.

(4) LIMITATION.—As applicable, and after including consideration of all contributions (as described in clause (i)) for the construction phase, the Secretary shall provide to the non-Federal sponsor a financial accounting of all Federal contributions under clause (i)(I) for such fiscal year.

(5) LIMITATION.—As applicable, and after including consideration of all contributions (as described in clause (i)) for the construction phase, the Secretary shall provide to the non-Federal sponsor a financial accounting of all Federal contributions under clause (i)(I) for such fiscal year.

(6) LIMITATION.—As applicable, and after including consideration of all contributions (as described in clause (i)) for the construction phase, the Secretary shall provide to the non-Federal sponsor a financial accounting of all Federal contributions under clause (i)(I) for such fiscal year.

(7) LIMITATION.—As applicable, and after including consideration of all contributions (as described in clause (i)) for the construction phase, the Secretary shall provide to the non-Federal sponsor a financial accounting of all Federal contributions under clause (i)(I) for such fiscal year.

(b) Provision of Assistance on Federal Land.—The Secretary may construct housing or related assistance on Federal land, provided the Secretary determines that any land or interest in land.

(c) Acquisition and Disposal of Land.—(1) In General.—Subject to subsection (d), the Secretary may acquire land or interests in land for the purpose of providing housing and related assistance under the village development plan under subsection (a)(1).

(2) Land or Interest in Land.—In the case of the project for ecosystem restoration and other purposes, authorized by section 1301(4) of the Water Resources Development Act of 2016 (130 Stat. 1715), the Secretary shall consider the removal and reconfiguration of Highway 61 causeways and bridges at the Duckabush River Estuary site to be a project feature the costs of which are shared as construction.

SEC. 5356. TRIBAL ASSISTANCE.

(a) In General.—Subject to paragraph (2), the Secretary, in consultation with the heads of relevant Federal agencies, the Confederated Tribes of the Warm Springs Indian Reservation in Oregon, the Confederated Tribes and Bands of the Yakama Nation, Nez Perce Tribe, and the Confederated Tribes of the Umatilla Indian Reservation, shall revise and, as appropriate, out the tribal assistance plan for Dalles Dam, Columbia River, Washington and Oregon, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179, chapter 198) to address adverse impacts to Indian villages, housing sites, and related structures as a result of the construction of Bonneville Dam, McNary Dam, and John Day Dam, Washington.

(b) Authority for Assistance.—The Secretary may construct housing or related assistance on tribal land, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179, chapter 198).

(c) Tribal Assistance.—The tribe may construct housing or related assistance on tribal land or interest in tribal land, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179, chapter 198).

(d) Indian Country.—The projects that will be carried out under this section shall be carried out in accordance with the requirements of title 18, United States Code.

(e) Tribal Assistance.—The tribe may acquire land or interest in land, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179, chapter 198).

(f) Indian Country.—The projects that will be carried out under this section shall be carried out in accordance with the requirements of title 18, United States Code.
acquire land from willing landowners in connection with the Secrist Dam. SEC. 5359. RECREATIONAL OPPORTUNITIES AT THE TAMPA - RIVERBANK DAM. (a) DEFINITIONS.—In this section:

(1) COVERED PROJECT.—The term ‘covered project’ means any of the following projects of the Corps of Engineers:

(A) New Beginnings Dam, Washington, Vermont.

(B) Townshend Lake, Vermont.

(2) RECREATION.—The term ‘recreation’ includes downstream whitewater recreation that is dependent on operations, recreational fishing, and boating at a covered project.

(b) SENATE OF CONGRESS.—It is the sense of Congress that the Secretary should:

(1) work to the extent compatible with other project purposes, each covered project is operated in such a manner as to protect and enhance recreation associated with the covered project;

(2) manage land at each covered project to improve opportunities for recreation at the covered project;

(3) with the objective of water control plans. The Secretary may modify, or undertake temporary deviations from, the water control plan for a covered project in order to enhance recreation, if the Secretary determines the modifications or deviations—

(1) will not adversely affect other authorized purposes of the covered project; and

(2) will not result in significant adverse impacts to the environment.

SEC. 5360. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED DAMS. Section 1177 of the Water Resources Development Act of 2016 (130 Stat. 1675; 132 Stat. 3781) is repealed.

SEC. 5361. SOUTH FLORIDA ECO SYSTEM RESTORATION TASK FORCE. Section 528(f)(1)(J) of the Water Resources Development Act of 1996 (110 Stat. 3771) is amended by adding at the end the following:

‘‘(g) SPECIAL RULE.—Notwithstanding subsection (f), the non-Federal share of the costs provided in this section for the rehabilitation of Waterbury Dam, Washington County, Vermont, under this section, including the cost of any required study, shall be the same share assigned to the non-Federal interest for the cost of initial construction of Waterbury Dam.’’

SEC. 5362. NEW MADRID COUNTY HARBOR, MISSOURI. Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759; 113 Stat. 339; 114 Stat. 2679) is amended by adding at the end the following:

‘‘(18) Second harbor at New Madrid County Harbor, Missouri.’’

SEC. 5363. TRINITY RIVER AND TRIBUTARIES, TEXAS. Section 1201(7) of the Water Resources Development Act of 2018 (132 Stat. 3882) is amended by inserting ‘‘low flood risk management, and ecosystem restoration,’’ after ‘‘navigation.’’

SEC. 5364. REND LAKE, CARLBY LAKE, AND LAKE SHELVILLE, ILLINOIS. (a) IN GENERAL.—Not later than 90 days after the date on which the Secretary receives a request from the Governor of Illinois to terminate a contract described in subsection (c), the Secretary shall amend the contract to release to the United States all rights of the State of Illinois to utilize water storage space in the reservoir project to which the contract applies.

(b) RELIEF OF CERTAIN OBLIGATIONS.—On execution of an amendment described in subsection (a), the State of Illinois shall be relieved of the obligation to pay the percentage of annual operation and maintenance expense, the percentage of major replacement cost, and the percentage of major rehabilitation cost allocated to the water supply storage specified in the contract for the reservoir project to which the contract applies.

(c) CONTRACTS.—Subsection (a) applies to the following contracts between the United States and the State of Illinois:

(1) Contract DACW43–88–C–0088, entered into on September 23, 1988, for utilization of storage space for water supply in Rend Lake, Illinois.


SEC. 5365. FEDERAL ASSISTANCE. Section 1328(c) of the America’s Water Infrastructure Act of 2018 (132 Stat. 3826) is amended by striking ‘‘4 years’’ and inserting ‘‘8 years’’.

SEC. 5366. LAND TRANSFER AND TRUST LAND FOR CHOCTAW NATION OF OKLAHOMA. (a) TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2) and for the consideration described in subsection (c), the Secretary shall transfer to the Choctaw Nation of Oklahoma under this subsection as the ‘Authority’), for fair market value, all rights, title, and interest of the United States in and to approximately 2.2 acres of land adjacent to the southwestern boundary of the port facilities of the Authority at the Barkey Dam and Lake Barkley, Kentucky, project, authorized by the River and Harbor Act of 1945 (60 Stat. 568, Public Law 79–325).

(b) TERMS AND CONDITIONS.—The Secretary may subject any conveyance under this section to such terms and conditions as the Secretary determines necessary and advisable to protect the United States.

(c) ADMINISTRATIVE COSTS.—The Authority shall be responsible for all reasonable and necessary costs, including real estate transaction costs, associated with a conveyance under this section.

SEC. 5367. LAKE BARKEY, KENTUCKY, LAND CONVEYANCE. (a) IN GENERAL.—The Secretary is authorized to convey to the City of Elizabethtown, Kentucky, (referred to in this section as the ‘Authority’), for fair market value, all rights, title, and interest of the United States in and to the Lake Barkley Dam and Lake Barkley, Kentucky, project, authorized by the River and Harbor Act of 1945 (60 Stat. 568, Public Law 79–325).

(b) TERMS AND CONDITIONS.—Any conveyance of land under this section shall be by quitclaim deed.

(c) RESERVATION OF RIGHTS.—The Secretary shall reserve from any conveyance of land under this section such easements, rights-of-way, or other interests as the Secretary determines to be necessary and appropriate to ensure the continued operation of the project described in subsection (a).

SEC. 5368. FEDERAL FACILITIES. Section 1228(b) of title 10, United States Code, shall not apply to the conveyance of land under this section.

TITLE LI V—WATER RESOURCES INFRASTRUCTURE

SEC. 5401. PROJECT AUTHORIZED. The following projects are water resources development and conservation and other purposes, as identified in the reports titled ‘‘Report to Congress on Future Water Resources Development’’ submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports or decision documents designated in this section.

(1) NAVIGATION.—

(d) LIMITATION.—The Secretary shall only acquire land from willing landowners in carrying out this section.

(e) CONFORMING AMENDMENT.—Section 177(c) of the Water Resources Development Act of 2016 (130 Stat. 1675; 132 Stat. 3781) is repealed.
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<thead>
<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Report or Decision Document</th>
<th>D. Estimated Costs</th>
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</thead>
</table>
| 1. AK    | Elim Subsistence Harbor | March 12, 2021 | Federal: $74,905,000  
Non-Federal: $1,896,000  
Total: $76,801,000 |
| 2. CA    | Port of Long Beach Deep Draft Navigation, Los Angeles | October 14, 2021; May 31, 2022 | Federal: $73,533,500  
Non-Federal: $174,627,000  
Total: $248,160,500 |
| 3. WA    | Tacoma Harbor Navigation Improvement | May 26, 2022 | Federal: $120,701,000  
Non-Federal: $74,995,500  
Total: $195,696,500 |
| 4. NY, NJ| New Jersey Harbor Deepening Channel Improvement | June 3, 2022 | Federal: $2,124,561,500  
Non-Federal: $3,439,337,500  
Total: $5,563,899,000 |

(2) Flood risk management.—

<table>
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<tr>
<th>A. State</th>
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</thead>
</table>
| 1. AL    | Selma | October 7, 2021 | Federal: $15,533,100  
Non-Federal: $8,363,900  
Total: $23,897,000 |
| 2. CA    | Lower Cache Creek, Yolo County, Woodward, and Vicinity | June 21, 2021 | Federal: $215,152,000  
Non-Federal: $115,851,000  
Total: $331,003,000 |
| 3. OR    | Portland Metro Levee System | August 20, 2021 | Federal: $77,111,100  
Non-Federal: $41,521,300  
Total: $118,632,400 |
| 4. NE    | Papillion Creek and Tributaries Lakes | January 24, 2022 | Federal: $91,491,400  
Non-Federal: $52,156,300  
Total: $143,647,700 |
| 5. AL    | Valley Creek, Bessemer and Birmingham | October 29, 2021 | Federal: $17,725,000  
Non-Federal: $9,586,000  
Total: $27,311,000 |
| 6. PR    | Rio Guanajibo | May 24, 2022 | Federal: $110,974,500  
Non-Federal: $59,755,500  
Total: $170,730,000 |

(3) Hurricane and storm damage risk reduction.—

<table>
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<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Report or Decision Document</th>
<th>D. Estimated Costs</th>
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</table>
| 1. CT    | Fairfield and New Haven Counties | January 19, 2021 | Federal: $92,937,000  
Non-Federal: $50,043,000  
Total: $142,980,000 |
| 2. PR    | San Juan Metro | September 16, 2021 | Federal: $245,418,000  
Non-Federal: $131,333,000  
Total: $376,751,000 |
| 3. FL    | Florida Keys, Monroe County | September 24, 2021 | Federal: $1,513,531,000  
Non-Federal: $814,978,000  
Total: $2,328,509,000 |
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<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Report or Decision Document</th>
<th>D. Estimated Costs</th>
</tr>
</thead>
</table>
| 4. FL   | Okaloosa County                  | October 7, 2021                         | Initial Federal: $19,822,000  
|         |                                  |                                        | Initial Non-Federal: $11,535,000  
|         |                                  |                                        | Initial Total: $31,357,000  
|         |                                  |                                        | Renourishment Federal: $71,945,000  
|         |                                  |                                        | Renourishment Non-Federal: $73,787,000  
|         |                                  |                                        | Renourishment Total: $144,832,000  |
| 5. SC   | Folly Beach                      | October 26, 2021                        | Initial Federal: $45,490,000  
|         |                                  |                                        | Initial Non-Federal: $5,054,000  
|         |                                  |                                        | Initial Total: $50,544,000  
|         |                                  |                                        | Renourishment Federal: $164,424,000  
|         |                                  |                                        | Renourishment Non-Federal: $26,767,000  
|         |                                  |                                        | Renourishment Total: $191,191,000  |
| 6. FL   | Pinellas County                  | October 29, 2021                        | Initial Federal: $9,627,000  
|         |                                  |                                        | Initial Non-Federal: $5,332,000  
|         |                                  |                                        | Initial Total: $13,959,000  
|         |                                  |                                        | Renourishment Federal: $92,000,000  
|         |                                  |                                        | Renourishment Non-Federal: $101,690,000  
|         |                                  |                                        | Renourishment Total: $193,690,000  |
| 7. NY   | South Shore of Staten Island, Fort Wadsworth to Oakwood Beach | October 27, 2016 | Federal: $371,310,000  
|         |                                  |                                        | Non-Federal: $199,940,000  
|         |                                  |                                        | Total: $571,250,000  |
| 8. LA   | Upper Barataria Basin            | January 28, 2022                        | Federal: $1,005,001,000  
|         |                                  |                                        | Non-Federal: $541,155,000  
|         |                                  |                                        | Total: $1,546,156,000  |
| 9. LA   | South Central Coast, St. Martin, St. Mary, and Iberia Parishes | June 23, 2022 | Federal: $594,600,000  
|         |                                  |                                        | Non-Federal: $320,169,000  
|         |                                  |                                        | Total: $914,769,000  |

(4) Hurricane and storm damage reduction and ecosystem restoration.—

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<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Report or Decision Document</th>
<th>D. Estimated Costs</th>
</tr>
</thead>
</table>
| 1. TX   | Coastal Texas Protection and Restoration Feasibility Study    | September 16, 2021                     | Federal: $19,237,894,000  
|         |                                                                |                                        | Non-Federal: $11,668,393,000  
|         |                                                                |                                        | Total: $30,906,287,000  |

(5) Ecosystem restoration.—

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<tr>
<th>A. State</th>
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<th>C. Date of Report or Decision Document</th>
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</table>
| 1. CA   | Prado Basin Ecosystem Restoration, San Bernardino, Riverside and Orange Counties | April 22, 2021                         | Federal: $33,976,000  
|         |                                                                |                                        | Non-Federal: $18,294,000  
|         |                                                                |                                        | Total: $52,270,000  |
| 2. KY   | Three Forks of Beargrass Creek                                  | May 24, 2022                           | Federal: $72,138,000  
|         |                                                                |                                        | Non-Federal: $48,998,000  
|         |                                                                |                                        | Total: $121,135,000  |

(6) Modifications and other projects.—
SEC. 5402. STORM DAMAGE PREVENTION AND REDUCTION, COASTAL EROSION, AND ICE AND GLACIAL DAMAGE, ALASKA.

(a) IN GENERAL.—The Secretary shall establish a program to carry out structural and nonstructural projects for storm damage prevention and reduction, coastal erosion, and ice and glacial damage in the State of Alaska, including—

(1) relocation of affected communities; and

(2) construction of replacement facilities.

(b) COST SHARE.—The non-Federal interest shall share in the cost to study, design, and construct a project carried out under this section in accordance with sections 103 and 205 of the Water Resources Development Act of 1966 (33 U.S.C. 2213, 2215), except that, in the case of a project benefiting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (123 Stat. 2735));

(3) Project for flood risk management, Little Colorado River at Winslow, Navajo County, Arizona, authorized by section 401(2) of the Water Resources Development Act of 2020 (123 Stat. 2735);

(21) Project for navigation, Kentucky Lock Addition, Kentucky.


(23) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Portsmouth Back Channels and Sagamore Creek, Portsmouth, New Castle, and Rye, New Hampshire, authorized by section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).


SEC. 5404. SPECIAL RULES.
(a) The following conditions apply to the project described in section 5403(19):
(1) The project is authorized to be carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 428) at a Federal cost of $45,000,000.
(2) The project may include Federal participation in periodic nourishment.
(b) Paragraph (b) of section 111 of the River and Harbor Act of 1968 (33 U.S.C. 428b), the Secretary shall determine that the navigation works to which the shore damages are attributable were constructed at full Federal expense.
(c) The following conditions apply to the project described in section 5403(20):
(1) The project is authorized to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) at a Federal cost of $15,000,000.
(2) If the Secretary includes in the project a measure on Federal land under the jurisdiction of another Federal agency, the Secretary may enter into an agreement with the Federal agency that provides for the Secretary—
(A) to construct the measure; and
(B) to operate and maintain the measure using funds provided to the Secretary by the non-Federal interest for the project.
(3) If the Secretary includes in the project a measure for fish passage at a dam licensed for hydropower, the Secretary shall include in the project costs all costs for the measure, except measures that are in existence and the costs to provide fish passage at the dam if hydropower improvements were not in place shall be a 100 percent non-Federal expense.

SEC. 5405. CHATTahooCHEE RIVER PROGRAM.
(a) ESTABLISHMENT.—
(1) IN GENERAL.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the Chattahoochee River Basin.
(2) FORM.—The assistance under paragraph (1) shall be in the form of design and construction assistance for navigation, structural measures, and other authorized activities.

(b) COMPREHENSIVE PLAN.—
(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Chattahoochee River Basin restoration plan to guide the implementation of projects under subsection (a).

(2) COORDINATION.—The restoration plan described in paragraph (1) shall, to the maximum extent practicable, consider and avoid duplication with any other Federal or State approved plan or project.

(3) Prioritization.—The restoration plan described in paragraph (1) shall give priority to projects eligible under subsection (a)(2) that will also improve water quality or quantity or use natural hydrological features and systems.

(c) AGREEMENT.—
(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into an agreement with a non-Federal interest for the design and construction of a project carried out pursuant to the comprehensive Chattahoochee River Basin restoration plan described in subsection (b).

(2) REQUIREMENTS.—Each agreement entered into under this subsection shall provide for—
(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a project or plan to provide for—
(i) protection of eroding riverbanks and streambanks and shorelines;
(ii) beneficial uses of dredged material; and
(iii) ecosystem restoration, including restoration of submerged aquatic vegetation;
(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) COST SHARING.—
(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—
(A) VALUE OF LAND, EASEMENTS, RIGHTS-OF-WAY.—In determining the non-Federal contribution toward carrying out an agreement entered into under this section, the Secretary shall provide credit for—
(i) land, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under paragraph (2)(A) shall not exceed 25 percent of the total project costs.

(B) OPERATION AND MAINTENANCE COSTS.—
(i) The non-Federal share of the costs of operation and maintenance of activities carried out under an agreement entered into under this section shall be 100 percent.

(c) Cooperation.—In carrying out this section, the Secretary shall cooperate with—
(A) the heads of appropriate Federal agencies, including—
(i) the Administrator of the Environmental Protection Agency;
(ii) the Secretary of Commerce, acting through the Director of the National Oceanic and Atmospheric Administration; and
(iii) the Secretary of the Interior, acting through the Division of the United States Fish and Wildlife Service; and
(B) the heads of other Federal agencies as the Secretary determines to be appropriate; and
(C) agencies of a State or political subdivision of a State.

(d) REQUIREMENT.—A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

(e) PROJECT CAP.—The total cost of a project carried out under this section may not exceed $15,000,000.

(f) SAVINGS PROVISION.—Nothing in this section—
(1) establishes any express or implied reserved water right in the United States for any purpose;
(2) affects any water right in existence on the date of enactment of this Act; or
(3) preempts or affects any State water law or interstate compact governing water; or
(4) affects any Federal or State law in existence on the date of enactment of this Act regarding water quality or water quantity.

(g) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated to carry out this section $90,000,000.

SEC. 5406. LOWER MISSISSIPPI RIVER BASIN DEMONSTRATION PROGRAM.
(a) DEFINITION.—In this section, the term “Lower Mississippi River Basin” means the portion of the Mississippi River that begins at the confluence of the Ohio River and flows to the Gulf of Mexico, and its tributaries and distributaries.

(b) ESTABLISHMENT.—
(1) IN GENERAL.—The Secretary shall establish a program to provide assistance to non-Federal interests in the Lower Mississippi River Basin.

(2) FORM.—
(A) IN GENERAL.—The assistance under paragraph (1) shall be in the form of design and construction assistance for flood or coastal storm risk management or aquatic ecosystem restoration projects in the Lower Mississippi River Basin, based on the comprehensive plan under subsection (c).

(B) ASSISTANCE.—Projects under subparagraph (A) may include measures for—
(i) sediment control;
(ii) protection of eroding riverbanks and streambanks and shorelines;
(iii) channel modifications;
(iv) beneficial uses of dredged material; or
(v) other related projects that, in combination, enhance the living resources of the Lower Mississippi River Basin.

(c) COMPREHENSIVE PLAN.—
(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Lower Mississippi River Basin plan to guide the implementation of projects under subsection (b).

(2) REQUIREMENT.—To the maximum extent practicable, the plan described in paragraph (1) shall give priority to projects eligible under subsection (b)(2) that will also improve water quality, reduce hypoxia in the Lower Mississippi River Basin, and use a combination of structural and non-structural measures.

(d) COST SHARING.—
(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into an agreement with a non-Federal interest for the design and construction of a project carried out pursuant to the comprehensive Lower Mississippi River Basin plan described in subsection (c).

(2) REQUIREMENTS.—Each agreement entered into under this subsection shall provide for—
(A) the development by the Secretary, in consultation with appropriate Federal, State, and local agencies and non-governmental organizations, of a project or plan to provide for—
(i) protection of eroding riverbanks and streambanks and shorelines;
(ii) beneficial uses of dredged material; or
(iii) ecosystem restoration, including restoration of submerged aquatic vegetation;
(B) the establishment of such legal and institutional structures as necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(3) Prioritization.—The plan described in paragraph (1) shall be in the form of design and construction assistance for flood or coastal storm risk management or aquatic ecosystem restoration projects in the Lower Mississippi River Basin.
(e) Cost Sharing.—

(1) Federal Share.—The Federal share of the cost to design and construct a project under each agreement entered into under this section shall not be 75 percent.

(2) Non-Federal Share.—

(A) Value of Land, Easements, Rights-Of-Way, and Relocations.—In determining the non-Federal portion of the cost of the project toward carrying out an agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of land, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the cost to design and construct the project.

(B) Operation and Maintenance Costs.—The non-Federal share of the costs of operation and maintenance of the easements, rights-of-way, and relocations carried out under an agreement under this section shall be 100 percent.

(C) Cooperation.—In carrying out this section, the Secretary shall cooperate with—

(1) the heads of appropriate Federal agencies, including—

(A) the Secretary of Agriculture;

(B) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(C) the heads of such other Federal agencies as the Secretary determines to be appropriate; and

(2) agencies of a State or political subdivision of a State.

(g) Project Cap.—The total cost of a project carried out under this section may not exceed $15,000,000.

(h) Report.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the program under this section, including a recommendation on whether the program should be reauthorized.

(i) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $90,000,000.

SEC. 5407. FORECAST-INFORMED RESERVOIR OPERATION

(a) In General.—The Secretary is authorized to carry out a research study pilot program at 1 or more dams owned and operated by the Secretary in the North Atlantic Division of the Corps of Engineers to assess the viability of forecast-informed reservoir operations in the eastern United States.

(b) Report.—Not later than 1 year after completion of the research study pilot program under subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study pilot program.

SEC. 5408. MISSISSIPPI RIVER MAT SINKING UNIT

The Secretary shall expedite the replacement of the Mississippi River mat sinking unit.

SEC. 5409. SENSE OF CONGRESS RELATING TO OKATIBBEE LAKE

It is the sense of Congress that—

(1) there is significant shoreline sloughing and erosion at the Okatibbee Lake portion of the project for flood protection, Chunky Creek, Chickasawhay and Pascagoula Rivers, Mississippi, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1183), which has the potential to impact infrastructure, damage property, and put lives at risk; and

(2) addressing shoreline sloughing and erosion at a project of the Secretary, including at a location leased by non-Federal entities such as Okatibbee Lake, is an activity that is eligible to be carried out by the Secretary as part of the operation and maintenance of the project.

DIVISION K—COAST GUARD AUTHORIZATION ACT OF 2022

SEC. 5001. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This division may be cited as the "Coast Guard Authorization Act of 2022".

(b) Table of Contents.—The table of contents for this division is as follows:

DIVISION K—COAST GUARD AUTHORIZATION ACT OF 2022

SEC. 5001. Short title: table of contents.

TITLES

SEC. 5002. Definition of Commandant.

TITLE I—AUTHORIZATIONS

SEC. 5101. Authorization of appropriations.

SEC. 5102. Authorized levels of military strength.

SEC. 5103. Authorization for shore operations and facilities.

SEC. 5104. Authorization for acquisition of vessels.

SEC. 5105. Authorization for the child care subsidy program.

TITLE II—COAST GUARD ACTIVITIES

Subtitle A—Infrastructure and Assets


SEC. 5202. Fleet mix analysis and shore infrastructure investment plan.

SEC. 5203. Acquisition life-cycle cost estimates.

SEC. 5204. Report and briefing on resourcing strategy for Western Pacific region.

SEC. 5205. Study and report on national security and drug trafficking threats in the Florida Straits and Caribbean region, including Cuba.

SEC. 5206. Coast Guard Yard.

SEC. 5207. Authority to enter into transactions other than contracts and grants to procure cost-effective technology for mission needs.

SEC. 5208. Improvements to infrastructure of mission operations planning.

SEC. 5209. Aqua alert notification system pilot program.

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SEC. 5204. REPORT AND BRIEFING ON RESOURCING STRATEGY FOR WESTERN PACIFIC REGION.

(a) Report.

(i) In General.—Not later than 1 year after the date of the enactment of this Act, the Commandant, in consultation with the Coast Guard Commander of the Pacific Area, the Commander of United States Indo-Pacific Command, and the Under Secretary of Commerce for Oceans and Atmosphere, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(A) the estimated cost of projects to fulfill such needs, to the extent available; and

(B) a general description of the state of planning for each such project.

(b) Authorization of funds.

SEC. 5203. AUTHORIZATION FOR DIVER CHAMBER AND DIVE SITE.

(a) Short title.

(b) Authorization of funds.

 SEC. 5102. AUTHORIZATION OF APPROPRIATIONS.

SEC. 5103. AUTHORIZATION FOR SHORESIDE INFRASTRUCTURE AND FACILITIES.

(a) In General.—In addition to the amounts authorized to be appropriated under section 9402(2)(A) of title 14, United States Code, as amended by section 5101 of this division, for the period of fiscal years 2023 through 2028—

(A) $3,000,000 is authorized to fund maintenance, new construction, and repairs needed for Coast Guard shore infrastructure;

(B) $160,000,000 is authorized to fund phase two of the resiliency investment project at Coast Guard Training Center Cape May in Cape May, New Jersey, to improve recruitment and training of a diverse Coast Guard workforce; and

(C) $80,000,000 is authorized for the construction of additional new child care development centers constructed using funds authorized by the Infrastructure Investment and Jobs Act (Public Law 117–58: 135 Stat. 429).

(2) COAST GUARD YARD RESILIENT INFRASTRUCTURE AND CONSTRUCTION IMPROVEMENT.—In addition to the amounts authorized to be appropriated under section 9402(2)(A) of title 14, United States Code, as amended by section 5101 of this division—

(A) $400,000,000 is authorized for the period of fiscal years 2023 through 2028 for the Secretary of the Navy who is directed by the Commandant to construct improvements to facilities of the Yard; and

(B) $256,000,000 is authorized for the acquisition of a new floating drydock, to remain available until expended.

SEC. 5104. AUTHORIZATION FOR ACQUISITION OF VARIOUS ROLE VEHICLES.

In addition to the amounts authorized to be appropriated under section 9402(2)(A) of title 14, United States Code, as amended by section 5101 of this division, for the period of fiscal years 2023 through 2028—

(1) $350,000,000 is authorized for the acquisition of a Great Lakes icebreaker that is at least as capable as Coast Guard cutter Mackinaw (WLBB–30);

(2) $172,500,000 is authorized for the program management, design, and acquisition of 12 Pacific Northwest heavy weather boats that are at least as capable as the Coast Guard 52-foot motor surfboat;

(3) $911,000,000 is authorized for the third Polar Security Cutter;

(4) $20,000,000 is authorized for initiation of activities to support acquisition of the Arctic Security Cutter class, including program planning, development, and acquisition of a 12th Security Cutter;

(5) $650,000,000 is authorized for the continued acquisition of Offshore Patrol Cutters; and

(6) $650,000,000 is authorized for a twelfth National Security Cutter.

SEC. 5105. AUTHORIZATION FOR THE CHILD CARE SUBSIDY PROGRAM.

In addition to the amounts authorized to be appropriated under section 9402(2)(A) of title 14, United States Code, as amended by section 5101 of this division—

(A) the construction of additional facilities to accommodate the updated fleet mix described in subsection (a)(1);

(B) improvements necessary to ensure that existing facilities meet requirements and remain operational for the lifespan of such fleet mix, including necessary improvements to information technology infrastructure;

(C) a timeline for the construction and improvement of the facilities described in paragraphs (A) and (B); and

(D) a cost estimate for construction and life-cycle support of such facilities, including for necessary personnel.

(2) Report.—Not later than 1 year after the date on which the report required under subsection (a)(2) is submitted, the Commandant shall submit to Congress a report on the plan required by paragraph (1).

SEC. 5202. FLEET MIX ANALYSIS AND SHORE BASE.

(a) Short title.

(b) Authorization of funds.
Coast Guard operations in the Western Pacific region; and

(iii) to support the call of the President, as set forth in the Indo-Pacific Strategy, to expand the United States’ presence and cooperation in Southeast Asia, South Asia, and the Pacific Islands, with a focus on advising, training, deployment, and capacity building.

(B) of the additional resources, including shoreside resources, required to fully implement the needs described in subparagraph (A), including the United States commitment to bilateral fisheries law enforcement in the Pacific Ocean.

(C) A description of the operational and personnel assets required and a dispersal plan for the potential deployment of future Coast Guard cutters and aviation forces to conduct optimum operations in the Western Pacific region.

(D) An analysis with respect to whether a national security cutter or fast response cutter located at a United States military installation in a foreign country in the Western Pacific region would enhance United States national security, partner country capacity building, and prevention and effective response to illegal, unreported, and unregulated fishing.

(E) An assessment of the benefits and associated costs involved in—

(i) increasing staffing of Coast Guard personnel by designating a Coast Guard patrol force under the direct authority of the Commandant of the United States Pacific Command with associated forward-based assets and personnel.

(F) Identification of any additional authority necessary, including proposals for legislative change, to meet the needs identified in accordance with subparagraphs (A) through (E) and the mission requirement in the Western Pacific region.

SEC. 5206. STUDY AND REPORT ON NATIONAL SECURITY AND DRUG TRAFFICKING THREATS IN THE FLORIDA STRAITS AND CARIBBEAN REGION, INCLUDING CUBA.

(a) In General.—The Commandant shall conduct a study on national security, drug trafficking, and other relevant threats as the Commandant considers appropriate, in the Florida Straits and Caribbean region, including Cuba.

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

(1) An analysis of—

(A) new technology and evasive maneuvers used by transnational criminal organizations to evade detection and interdiction by Coast Guard law enforcement units and interagency partners;

(B) capability gaps of the Coast Guard with respect to—

(i) the detection and interdiction of illicit drugs in the Florida Straits and Caribbean region, including Cuba; and

(ii) the detection of national security threats in such region.

(2) Identification of—

(A) the critical technological advancements required for the Coast Guard to meet current and anticipated threats in such region;

(B) the capabilities required to enhance information sharing and coordination between the Coast Guard and its interagency partners, foreign governments, and related civilian entities; and

(C) any significant new or developing threat to the United States posed by illicit actors in such region.

(c) Report.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the findings and conclusions of such report.

SEC. 5207. AUTHORITY TO ENTER INTO TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS TO ACQUIRE COST-EFFECTIVE TECHNOLOGY FOR MISSION-CRITICAL NEEDS.

(a) In General.—Subject to subsections (b) and (c), the Commandant may enter into transactions (other than contracts, cooperative agreements, and grants) to develop prototypes for, and to operate and procure, cost-effective technology for the purpose of meeting the mission needs of the Coast Guard.

(b) PROCUREMENT AND ACQUISITION.—Procurement or acquisition of technologies under subsection (a) shall be—

(1) carried out in accordance with this title and Coast Guard policies and guidance; and

(2) consistent with the operational requirements of the Coast Guard.

(c) LIMITATIONS.—

(1) In General.—The Commandant shall not enter into a transaction under subsection (a) in respect of a technology that—

(A) does not comply with the cybersecurity standards of the Coast Guard;

(B) is sourced from an entity domiciled in the People’s Republic of China, unless the Commandant determines that the prototype, operation, or procurement of such a technology is for the purpose of—

(i) counter-UAS operations, surrogate testing, or training; or

(ii) intelligence, electronic warfare, and information warfare operations, testing, analysis, and training.

(2) Waiver.—The Commandant may waive the application under this section on a case-by-case basis by certifying in writing to the Secretary of Homeland Security and the appropriate committees of Congress that the procurement or operation of the technology is in the national interests of the United States.

(d) EDUCATION AND TRAINING.—The Commandant shall ensure that management, technical, and contracting personnel of the Coast Guard involved in the award or administration of transactions under this section, or other innovative forms of contracting, are provided opportunities for adequate education and training with respect to the authority under this section.

(e) Report.—

(1) In General.—Not later than 5 years after the date of the enactment of this section, the Commandant shall submit to the appropriate committees of Congress a report that—

(A) describes the use of the authority pursuant to this section; and

(B) assesses the mission and operational benefits of such authority.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ‘appropriate committees of Congress’ means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(f) REGULATIONS.—The Commandant shall prescribe regulations as necessary to carry out this section.

(g) Definitions of Unmanned Aircraft, Unmanned Aircraft System, and Counter-UAS.—In this section, the terms ‘unmanned aircraft’, ‘unmanned aircraft system’, and ‘counter-UAS’ have the meanings given such terms in section 44801 of title 49, United States Code;...
SEC. 5211. GREAT LAKES WINTER COMMERCE.

(a) In General.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall, subject to the availability of appropriations, establish a pilot program to improve the issuance of alerts to facilitate cooperation with the public to render aid to distressed individuals under section 521 of title 14, United States Code.

(b) Coverage.—The pilot program established under subsection (a) shall, to the maximum extent possible—

(1) include a voluntary opt-in program under which the public may report vessels in distress, and the entities described in sub-section (c), may receive notifications on cellular devices regarding Coast Guard activities to render aid to distressed individuals under section 521 of title 14, United States Code;

(2) cover areas located within the area of operation of the Coast Guard in the Great Lakes; and

(3) provide that the dissemination of an alert shall be limited to the geographic areas most necessary to facilitate the rendering of aid to distressed individuals.

(c) Consultation.—In developing the pilot program under subsection (a), the Commandant shall consult—

(1) the head of any relevant Federal agency;

(2) the government of any relevant State; and

(3) any Tribal Government.

(d) Report to Congress.—

(1) In General.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter through 2026, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of this section.

(2) Public Availability.—The Commandant shall make the report submitted under paragraph (1) available to the public.

(e) Authorization of Appropriations.—There is authorized to be appropriated to the Commandant for fiscal years 2023 through 2026, $3,500,000 for each of such fiscal years to remain available until expended.

SEC. 5212. DATABASE ON ICEBREAKING OPERATIONS IN THE GREAT LAKES.

(a) In General.—Not later than 90 days after the date on which the Comptroller General submits the report required under subparagraph (F) of subsection (a)(2) of section 521 of title 14, United States Code, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of this section.

(b) Definitions.—In this section:

(1) COMMERCIAL VESSEL.—The term ‘commercial vessel’ means any privately owned cargo vessel operating in the Great Lakes during the winter season of at least 560 tons, and that is registered under section 446, or an alternate tonnage measured under section 14302 of title 14, as prescribed by the Secretary.

(2) GREAT LAKES.—The term ‘Great Lakes’ means the United States waters of Lake Superior, Lake Michigan, Lake Huron, Lake Erie, and Lake Ontario, their connecting waterways, and their adjacent harbors.

(3) ICE-COVERED WATERWAY.—The term ‘ice-covered waterway’ means any portion of the Great Lakes in which commercial vessels are unable to operate that is 70 percent or greater covered by ice, but does not include any waters adjacent to piers or docks for which commercial icebreaking services are available.

(4) OPEN TO NAVIGATION.—The term ‘open to navigation’ means navigable to the extent necessary, in no particular order of priority,

(A) to extricate vessels and individuals from danger;

(B) to prevent damage to flooding;

(C) to meet the reasonable demands of commerce;

(D) to minimize delays to passenger ferries; and

(E) to conduct other Coast Guard missions as required.

(5) REASONABLE DEMANDS OF COMMERCE.—The term ‘reasonable demands of commerce’ means any demand for the safe movement of commercial vessels and ferries transiting ice-covered waterways in the Great Lakes, regardless of the type of cargo, at a speed consistent with the demand capability of the Coast Guard icebreakers operating in the Great Lakes and appropriate to the ice capability of the commercial vessel.

(b) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to the Committee on Transportation and Infrastructure of the House of Representatives a report on the Coast Guard Great Lakes icebreaking program.

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

(A) An evaluation of mission needs of the Coast Guard Great Lakes icebreaking program.

(B) A development of the resources necessary to support the fleet mix resulting from such fleet mix analysis, including for crew and operating costs.

(C) Recommendations to the Commandant for improvements to the Great Lakes icebreaking program, including with respect to facilitating commerce and meeting all Coast Guard mission needs.

(d) Authorization of Appropriations.—There is authorized to be appropriated to the Commandant for the Great Lakes icebreaking program $5,700,000 for each of fiscal years 2023 through 2026 to remain available until expended.

Subtitle B—Great Lakes

SEC. 5541. GREAT LAKES DATABASE ON ICEBREAKING OPERATIONS

(a) Authorization of Appropriations.—There is authorized to be appropriated to the Commandant for the Great Lakes icebreaking program $5,700,000 for each of fiscal years 2023 through 2026 to remain available until expended.

(b) Public Availability.—The database required under subsection (a) shall be available to the public on a publicly accessible Internet website of the Coast Guard.

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(e) Consultation with Industry.—With respect to the Great Lakes icebreaking operations of the Coast Guard and the development of the database required under subsection (a), the Commandant shall consult with operators of commercial vessels and ferries.

(f) Definitions.—In this section:
(1) Commercial vessel.—The term ‘‘commercial vessel’’ means any privately owned cargo vessel operating in the Great Lakes during the winter season of at least 500 tons, as measured under section 14502 of title 46, United States Code, or an alternate tonnage measure under section 14502 of such title, as prescribed by the Secretary of the department in which the Coast Guard is operating under title 14, United States Code.

(2) Great Lakes.—The term ‘‘Great Lakes’’ means the United States waters of Lake Superior, Lake Michigan, Lake Huron, Lake Erie, and Lake Ontario, their connecting waterways, and their adjacent harbors.

(3) Ice-covered waterway.—The term ‘‘ice-covered waterway’’ means any portion of the Great Lakes in which commercial vessels or ferries operate that is 70 percent or greater covered by ice, but does not include any waters adjacent to piers or docks for which the Secretary of the department in which the Coast Guard is operating under title 14, United States Code, finds the ice cover not necessary, in no particular order of priority—
(A) to extricate vessels and individuals from danger;
(B) to prevent damage due to flooding;
(C) to meet the reasonable demands of commerce;
(D) to minimize delays to passenger ferries; and
(E) to conduct other Coast Guard missions as required.

(4) Reasonable demands of commerce.—The term ‘‘reasonable demands of commerce’’ means the safe movement of commercial vessels and ferries transiting ice-covered waterways in the Great Lakes, regardless of type of cargo, at a speed consistent with the design capability of the Great Lakes icebreakers operating in the Great Lakes, and appropriate to the ice capability of the commercial vessel.

(g) Public report.—Not later than July 1 after the first winter in which the Commandant initiates the program of which the descriptive language is prescribed by section 14502 of title 46, United States Code, the Commandant shall publish on a publicly accessible internet website of the Coast Guard a report on the cost to the Coast Guard of meeting the requirements of that section.

SEC. 5213. GREAT LAKES SNOWMOBILE ACQUISITION PLAN.

(a) In General.—The Commandant shall develop a plan to expand snowmobile procurement for Coast Guard units at which snowmobiles may improve ice rescue response times while maintaining the safety of Coast Guard personnel engaged in search and rescue; (b) operational capabilities of a snowmobile, as compared to an airboat, and a force laydown assessment with respect to the assets needed for effective operations at Coast Guard units conducting ice rescue activities; and (c) the potential risks to members of the Coast Guard and members of the public posed by the use of snowmobiles by members of the Coast Guard for ice rescue activities.

SEC. 5214. GREAT LAKES BARGE INSPECTION EXCLUSION.

Section 3303(m) of title 46, United States Code, is amended—
(1) in the matter preceding paragraph (1), by inserting ‘‘after ‘seagoing barge’;’’; and
(2) by striking ‘‘section 3301(6) of this title’’ and inserting ‘‘paragraph (6) or (13) of section 3301 of this title’’.

SEC. 5215. STUDY ON SUFFICIENCY OF COAST GUARD AVIATION ASSETS TO MEET MISSIONS.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Senate Committee on Transportation and Infrastructure of the House of Representatives a report on—
(1) the force laydown of Coast Guard aviation assets; and
(2) any geographic gaps in coverage by Coast Guard assets in areas in which the Coast Guard has search and rescue responsibilities.

(b) Elements.—The report required under subsection (a) shall include the following:
(1) The distance, time, and weather challenges that MH-65 and MH-60 units may face in reaching the outermost limits of the area of operation of Coast Guard District 9 and Coast Guard District 8 for which such units are responsible.

(2) An assessment of the advantages that Coast Guard District 8, or an alternate rotary wing asset, would offer to the outermost limits of any area of operation for purposes of search and rescue, law enforcement, and national security missions.

(3) A comparison of advantages and disadvantages of the manner in which each of the Coast Guard fixed-wing aircraft would operate in the outermost limits of any area of operation.

(4) A specific assessment of the coverage gaps, including gaps in fixed-wing coverage, and potential solutions to address such gaps in the area of operation of Coast Guard District 9 and Coast Guard District 8, including the eastern region of such area of operation with regard to Coast Guard District 9 and the southern region of such area of operation with regard to Coast Guard District 8.

Subtitle C—Arctic

SEC. 5221. EMBASSY OF THE ARCTIC SECURITY CUTTER PROGRAM OFFICE.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Commandant shall establish a program office for the Arctic Security Cutter to expedite the evaluation of requirements and initiate design of a vessel class critical to the national security of the United States.

(b) Design Phase.—Not later than 270 days after the date of the enactment of this Act, the Commandant shall design phase of the Arctic Security Cutter vessel class.

(c) Quarterly Briefings.—Not less frequently than quarterly until the date on which the contract for acquisition of the Arctic Security Cutter is awarded, the Commandant shall provide briefings to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the status of requirements evaluations, design of the vessel, and schedule of the program.

SEC. 5222. ARCTIC ACTIVITIES.

(a) Definitions.—In this section:
(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘‘appropriate committees of Congress’’ means—
(A) the Committee on Commerce, Science, and Transportation of the Senate; and
(B) the Committee on Transportation and Infrastructure of the House of Representatives;

(2) Arctic.—The term ‘‘Arctic’’ has the meaning given such term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(b) Arctic Operational Implementation Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report to the appropriate committees of Congress that describes the ability and timeline to conduct all operations of the Northwest Passage.

SEC. 5223. STUDY ON ARCTIC OPERATIONS AND INFRASTRUCTURE.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study on the Arctic operations and infrastructure of the Coast Guard.

(b) Elements.—The study required under subsection (a) shall assess the following:
(1) The extent of the collaboration between the Coast Guard and the Department of Defense to assess, manage, and mitigate security risks in the Arctic region.

(2) Actions taken by the Coast Guard to manage risks to Coast Guard operations, infrastructure, and workforce planning in the Arctic.

(3) The plans the Coast Guard has in place for managing and mitigating the risks to commercial maritime operations and the environment in the Arctic region.

(c) Report.—Not later than 1 year after commencing the study required under subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

Subtitle D—Maritime Cyber and Artificial Intelligence

SEC. 5231. ENHANCING MARITIME CYBERSECURITY.

(a) Definitions.—In this section:
(1) Incident.—The term ‘‘incident’’ has the meaning given the term ‘‘incident’’ in section 2200(a) of the Homeland Security Act of 2002 (6 U.S.C. 659(a)).

(2) Maritime operator.—The term ‘‘maritime operator’’ means the owners or operators of vessels engaged in commercial service, the owners or operators of port facilities, and port authorities.

(b) Public availability of cybersecurity tools and resources.—
(1) In General.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall provide the Administrator of the Maritime Administration, the Director of the Cybersecurity and
SEC. 5232. ARTIFICIAL INTELLIGENCE STRATEGY.

(a) Establistish of Activities.—

(1) In general.—The Commandant shall eslablish a formal artificial intelligence strategy, that includes:

(A) STRATEGIC PLAN.—

(I) that artificial intelligence programs of the Coast Guard are consistent with this section.

(B) AUTONOMOUS CONTROL AND COMPUTER VISION TECHNOLOGY PROJECT.—

(i) To integrate the functional activities of the Coast Guard with respect to artificial intelligence and machine learning; and

(ii) to develop and continuously improve research, innovation, policy, joint processes, and procedures to facilitate the development, acquisition, integration, advancement, and deployment of artificial intelligence and machine learning capabilities throughout the Coast Guard.

(c) ACCELERATION OF DEVELOPMENT AND FIELDING OF ARTIFICIAL INTELLIGENCE.—To the extent practicable, the Commandant shall—

(1) review the potential applications of artificial intelligence and digital technology to the platforms, processes, and operations of the Coast Guard;
(2) identify the resources necessary to improve the use of artificial intelligence and digital technology in such platforms, processes, and operations; and

(3) 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 Commandant shall—

(A) conduct a comprehensive review and assessment of—

(i) skill gaps in the fields of software development engineering, data science, and artificial intelligence;

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

(iii) the qualifications of military personnel (officer and enlisted) needed for both management and specialist tracks in such fields;

(B) establish recruiting, training, and talent management performance objectives and accompanying metrics for achieving and maintaining the skill levels needed to fill identified gaps and meet the needs of the Coast Guard for skilled personnel.

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

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

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

(C) assess the integration of, and the resources necessary to better use artificial intelligence in wargames, exercises, and experimentation;

(D) assess the application of, and the resources necessary to better use, artificial intelligence in logistics and sustainment systems;

(E) assess the integration of, and the resources necessary to better use, artificial intelligence for administrative functions;

(F) establish performance objectives and accompanying metrics for artificial intelligence modernization activities of the Coast Guard;

(G) identify the resources necessary to effectively use artificial intelligence to carry out the missions of the Coast Guard.

(2) REPORTS TO CONGRESS.—Not later than 180 days after the completion of the review required by subsection (a)(1), the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives a report that includes—

(1) an assessment of the progress on the activities required by subsection (a); and

(2) any recommendation with respect to funding or additional authorities necessary, including proposals for legislative change, to improve Coast Guard cyber data management.

SEC. 5236. DATA MANAGEMENT.

The Commandant shall develop data workflows and the leveraging of mission-relevant data by the Coast Guard to enhance operational effectiveness and efficiency.

SEC. 5237. STUDY ON CYBER THREATS TO THE UNITED STATES MARINE TRANSPORTATION SYSTEM.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study on cyber threats to the United States marine transportation system.

(b) ELEMENTS.—The study required by paragraph (a) shall assess the following:

(1) The extent to which the Coast Guard, in collaboration with other Federal agencies, sets standards for the cybersecurity of facilities and vessels regulated under parts 104, 106, or 1223 of title 46 of United States Code, and as in effect on the date of the enactment of this Act.

(2) The manner in which the Coast Guard ensures cybersecurity standards are followed by port, vessel, and facility owners and operators.

(3) The extent to which maritime sector-specific planning addresses cybersecurity, particularly for vessels and offshore platforms.

(4) The manner in which the Coast Guard, other Federal agencies, and vessel and offshore platform operators exchange information regarding cyber risks.

(5) The extent to which the Coast Guard is developing and implementing cybersecurity specialist programs in port and vessel systems and collaborating with the private sector to increase the expertise of the Coast Guard with respect to cybersecurity.

(6) The cyber resource and workforce needs of the Coast Guard necessary to meet future mission demands.

(c) REPORT.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller General shall submit a report on the findings of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) DEFINITION OF FACILITY.—In this section the term “facility” has the meaning given the term in section 70101 of title 46, United States Code.

Subtitle E—Aviation

SEC. 5241. SPACE-AVAILABLE TRAVEL ON COAST GUARD AIRCRAFT: PROGRAM AUTHORIZATION AND ELIGIBLE RECIPIENTS.

(a) IN GENERAL.—Subchapter I of chapter 5 of title 46, United States Code, is amended by adding at the end the following:

(5) Space-available travel on Coast Guard aircraft

(1) The Coast Guard may establish a program to provide transportation on Coast Guard aircraft on a space-available basis to the categories of eligible individuals described in subsection (c) (in this section referred to as the "program").

(2) Not later than 1 year after the date on which the program is established, the Commandant shall develop a policy for its operation.

(b)程(1) The Commandant shall operate the program in a budget-neutral manner.

(2)(A) Except as provided in subparagraph (B), no additional funds may be used, or flight hours performed, for the purpose of providing transportation under the program.

(B) The Commandant may make de minimis expenditures of program funds for the administrative aspects of the program.

(3) Eligible individuals described in subsection (c) shall not be required to reimburse the Coast Guard for travel provided under this section.

(c) Subject to subsection (d), the categories of eligible individuals described in this subsection are the following:

(1) Members of the armed forces on active duty.

(2) Members of the Selected Reserve who hold a valid Uniformed Services Identification and Privilege Card.

(3) Retired members of a regular or reserve component of the armed forces, including retired members of reserve components who, but for being under the eligibility age applicable under section 12731 of title 10, would be eligible for retired pay under chapter 672 of title 10.

(4) Subject to subsection (f), veterans with a permanent service-connected disability rating of 10 percent or greater, categories of dependents of individuals described in paragraphs (1) through (3) as the Commandant shall specify in the program under subsection (d) under such conditions and circumstances as the Commandant shall specify in such policy.

(6) Such other categories of individuals as the Commandant, in the determination of the Commandant, considers appropriate.

(d) In operating the program, the Commandant shall—

(1) in the sole discretion of the Commandant, establish an order of priority for transportation for categories of eligible individuals that is based on considerations of military necessity, humanitarian concerns, and enhancement of morale;

(2) give priority in consideration of transportation to the demands of members of the armed forces in the regular components and in the reserve components on active duty and to the need to provide such members, and their dependents, a means of respite from such demands;

(3) implement policies aimed at ensuring cost control (as required by subsection (b)) and the safety, security, and efficient procuring and utilizing the benefits under the program to 1 or more categories of otherwise eligible individuals, as the Commandant considers necessary.

(4) Notwithstanding section (d)(1), in establishing space-available transportation priorities under the program, the
Commandant shall provide transportation for an individual described in paragraph (2), and a single dependent of the individual if needed to accompany the individual, at a priority level in the same category as the priority level for an unaccompanied dependent over the age of 18 years traveling on environmental and moral leave."

"(2) The priority specified in subsection (c)(3) who—

(a) resides in or is located in a Commonwealth or possession of the United States; and

(b) is referred by a military or civilian primary care provider located in that Commonwealth or possession for services to be provided outside of that Commonwealth or possession.

(3) If an individual described in subsection (c)(3) is a retired member of a reserve component who is ineligible for retired pay under chapter 1233 of title 10 by reason of being under the eligibility age applicable under section 1232h of title 10, paragraph (1) applies to the individual only if the individual is also enrolled in the TRICARE program for certain members of the Retired Reserve authorized under section 1076e of title 10.

"(4) The priority for space-available transportation required by this subsection applies with respect to—

(A) the travel from the Commonwealth or possession of the United States to receive the specialty care services; and

(B) the return travel.

(5) In this subsection, the terms ‘primary care provider’ and ‘specialty care provider’ refer to an individual or entity providing health care services under chapter 51 of title 10.

(6) (1) Travel may not be provided under this section to a veteran eligible for travel pursuant to section 1076e of title 10, or to a dependent of such a member eligible for travel under section 1076e of title 10.

(2) Subsection (c)(4) may not be construed to—

(A) affect any prior determination of eligibility for travel under title 10; or

(B) prevent the authority of an aircraft commander whose aircraft is involved with an incident or emergency situation, or any other authority under law to provide transportation for an individual described in subsection (c)(3) who—

(a) is injured or killed in the line of duty in the performance of armed forces service duties for the United States; or

(b) is appointed to serve as a commissioned or warrant officer in the United States Armed Forces, a component of the United States Armed Forces, or a functional equivalent of a component of the United States Armed Forces.

"(7) The Commandant shall provide transportation for an individual described in subsection (c)(3) who—

(a) is injured or killed in the line of duty in the performance of armed forces service duties for the United States; or

(b) is appointed to serve as a commissioned or warrant officer in the United States Armed Forces, a component of the United States Armed Forces, or a functional equivalent of a component of the United States Armed Forces.

(8) In this subsection.—

(1) The term ‘in the line of duty in the performance of armed forces service duties for the United States’ refers to—

(A) an individual who—

(i) is the surviving spouse of a member of a component of the Armed Forces who was killed in action or was killed in the line of duty in the performance of armed forces service duties for the United States; or

(ii) is a member of the Armed Forces on active duty for more than 90 days when the member is killed in action or is killed in the line of duty in the performance of armed forces service duties for the United States; or

(B) is the surviving spouse of a member of a uniformed service who—

(i) was killed in action or was killed in the line of duty in the performance of armed forces service duties for the United States; or

(ii) is a member of the uniformed service on active duty for more than 90 days when the member is killed in action or is killed in the line of duty in the performance of armed forces service duties for the United States.

(2) The term ‘bivocational clergy’ means a person who—

(I) is a duly ordained or consecrated minister of the gospel; and

(II) is also a member of the Army National Guard, Air National Guard, or Coast Guard Reserve.

(3) The term ‘dependent’ includes—

(A) a married child of a member;

(B) a dependent of a member in the Armed Forces who is in the same category as the priority level in the same category as the priority level for an unaccompanied dependent over the age of 18 years traveling on environmental and moral leave; and

(C) a single dependent of a member in the Armed Forces.

(4) The term ‘total number of Coast Guard commissioned officers’ means the number of Coast Guard commissioned officers on active duty as of the beginning of the fiscal year for which the report is submitted.

(5) The term ‘Coast Guard Reserve’ means—

(A) the component of the United States Armed Forces that is entitled to exist under section 3110 of title 10, United States Code; and

(B) the component of the United States Armed Forces that is entitled to exist under section 10807 of title 10, United States Code, for a fiscal year.

(6) The term ‘Secretary’ means the Secretary of the Treasury.

(7) The term ‘Secretary of the Navy’ means the Secretary of the Navy, including any such simulators based outside the United States; and

(8) The term ‘Secretary of the Army’ means the Secretary of the Army, including any such simulators based outside the United States.

(9) The term ‘Secretary of the Air Force’ means the Secretary of the Air Force, including any such simulators based outside the United States.

(10) The term ‘Secretary of the Navy’ does not include a Secretary of the Navy in a category other than the category specified in section 302 of title 10, United States Code.

(11) The term ‘Secretary of the Army’ does not include a Secretary of the Army in a category other than the category specified in section 302 of title 10, United States Code.

(12) The term ‘Secretary of the Air Force’ does not include a Secretary of the Air Force in a category other than the category specified in section 302 of title 10, United States Code.

"(9) In this section, the term ‘Secretary’ means the Secretary of the Treasury.

SEC. 5243. STUDY ON THE OPERATIONAL AVAILABILITY OF COAST GUARD AIRCRAFT AND STRATEGY FOR COAST GUARD AVIATION.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study on the operational availability of Coast Guard aircraft.

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

(A) An assessment of—

(i) the extent to which the fixed-wing and rotary-wing aircraft of the Coast Guard have met annual operational availability targets in recent years;

(ii) the challenges the Coast Guard may face with respect to such aircraft meeting operational availability targets, and the effects of such challenges on the Coast Guard’s ability to meet mission requirements; and

(iii) the extent to which Coast Guard efforts to upgrade or recapitalize its fleet of such aircraft to meet growth in future mission demands globally, such as in the Western Hemisphere, the Arctic region, and the Western Pacific region;

(B) Any recommendation with respect to the operational availability of Coast Guard aircraft.

(C) The resource and workforce requirements necessary for Coast Guard Aviation to meet current and future mission demands specific to each rotary-wing and fixed-wing airframe type in the current inventory of the Coast Guard.

(3) REPORT.—On completion of the study required by paragraph (1), the Comptroller General shall submit to the Commandant a report on the findings of the study.

(b) COAST GUARD AVIATION STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date on which the study under subsection (a) is completed, the Commandant shall develop a comprehensive strategy for Coast Guard Aviation that is informed by the relevant recommendations and findings of the study.

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

(A) With respect to aircraft of the Coast Guard—

(i) an analysis of—

(I) the current and future operations and future resource needs; and

(II) the manner in which such future needs are anticipated with the Future Vertical Lift initiatives of the Department of Defense; and

(ii) an estimated timeline with respect to when such future needs will arise.

(B) Any recommendation with respect to the operational availability of Coast Guard aircraft, including unmanned aircraft.

(3) A training plan for pilots and aircrew that addresses—

(i) the combination of owners and operators that are not owned or operated by the Coast Guard, including any such simulators based outside the United States; and

(ii) the training of pilots and aircrew associated with attending training courses.

(4) Current and future requirements for cutter and land-based deployment of aviation assets globally, including in the Arctic, the Eastern Pacific, the Western Pacific, the Caribbean, the Atlantic Basin, and any other area the Commandant considers necessary.

(5) An evaluation of current and future facilities needs for Coast Guard aviation units.

(6) An evaluation of pilot and aircrew training and retention needs, including aviation incentives, pilot recruitment bonuses, and any other workforce tools the Commandant considers necessary.

(7) Not later than 180 days after the date on which the strategy required by paragraph (1) is completed, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefings on the strategy.

"(b) COAST GUARD AVIATION STRATEGY.—

(1) IN GENERAL.—The Secretary of the Treasury, as provided in section 2103(a) of title 14, United States Code, is amended by adding at the end the following:

"(c) Number of Officers.—Sec- tions 13750 and 13752 of title 10, United States Code, are amended by adding at the end the following:

"(f) Temporary Increase.—Notwithstanding paragraph (1), the Commandant
may temporarily increase the total number of commissioned officers permitted under that paragraph by up to 4 percent for not more than 60 days after the date of the commissioning.

"(3) NOTIFICATION.—If the Commandant increases pursuant to paragraph (2) the total number of commissioned officers permitted under paragraph (1), the Commandant shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the number of officers on the active duty promotion list on the last day of the preceding 30-day period.

"(A) within 30 days after such increase;

"(B) every 30 days thereafter until the total number of commissioned officers no longer exceeds the total number of commissioned officers permitted under paragraph (1)".

(b) Officers not on active duty promotion list—

(1) IN GENERAL.—Chapter 51 of title 14, United States Code, is amended by adding at the end of that chapter the following:

"5113. Officers not on active duty promotion list.

"Not later than 60 days after the date on which the President submits to Congress a budget pursuant to section 1102(a) of title 31, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on any uses of the authority under subsection (a) during the preceding year.

"(2) ELEMENTS.—Each briefing required by paragraph (1) shall include the following:

"(A) The number of members of the Coast Guard serving as marine inspectors or marine investigators pursuant to section 312 of title 14, United States Code, who are receiving special duty pay under section 322 of title 37, United States Code.

"(B) An assessment of the impact of the use of the authority under this section on the effectiveness and efficiency of the Coast Guard in administering the laws and regulations for the promotion of safety of life and property on and under high seas and waters subject to the jurisdiction of the United States.

"(C) An assessment of the effects of assignment pay and special duty pay on retention of officers and investigators.

"(D) If the authority provided in subsection (a) is not exercised, a detailed justification for not exercising such authority, including an explanation of the efforts the Secretary of the department in which the Coast Guard is operating to ensure that the Coast Guard workforce contains an adequate number of qualified marine inspectors.

(c) STUDY.—

(1) IN GENERAL.—Subchapter II of chapter 21 of title 14, United States Code, is amended by adding at the end of that subchapter the following:

"2166. Continuation on active duty of officers with critical skills.

"(a) IN GENERAL.—The Commandant may extend any grade above grade O-2 to remain on active duty after the date otherwise permitted for the retirement of the officer in section 2154 of this title if the officer possesses a critical skill or specialty or is in a career field designated pursuant to subsection (b).

"(b) CRITICAL SKILL, SPECIALTY, OR CAREER FIELD.—The Commandant shall designate 1 or more critical skills, specialties, or career fields for purposes of subsection (a).

"(c) DURATION OF CONTINUATION.—An officer on active duty pursuant to this section shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 40 years of service or is considered on "(d) POLICY.—The Commandant shall carry out this section by prescribing policy that specifies the criteria to be used in designating critical skills, specialties, or career fields for purposes of subsection (b)".

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 21 of title 14, United States Code, is amended by adding at the end the following:

"2166. Continuation on active duty of officers with critical skills.

SEC. 5254. CAREER INCENTIVE PAY FOR MARINE INSPECTORS.

(a) AUTHORITY TO PROVIDE ASSIGNMENT PAY OR SPECIAL DUTY PAY.—The Secretary of the department in which the Coast Guard is operating may provide assignment pay or special duty pay under section 352 of title 37, United States Code, to members of the Coast Guard serving in a prevention position and assigned as a marine inspector or marine investigator pursuant to section 312 of title 14, United States Code.

(b) ANNUAL BRIEFING.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of the department in which the Coast Guard is operating shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study and recommendations for actions the Commandant should take to improve the health and exposure of marine inspectors and marine investigators.

"(d) TERMINATION.—The authority provided by subsection (a) shall terminate on December 31, 2027, unless the study required by subsection (b) is not submitted as required by that subsection.

SEC. 5255. EXPANSION OF THE ABILITY FOR SELECTION BOARD TO RECOMMEND TERMINATION OF MEMBERS OF COMPETENT NEGOTIATING REPRESENTATIVE.

Section 2116(e) of title 14, United States Code, is amended, in the last sentence, by inserting "three times" after "may not exceed".

SEC. 5256. MODIFICATION TO EDUCATION LOAN REPAYMENT PROGRAM: MEMBERS ON ACTIVE DUTY IN SPECIFIED MILITARY SPECIALTIES.

(a) IN GENERAL.—Section 2772 of title 14, United States Code, is amended to read as follows:

"2772. Education loan repayment program: members on active duty in specified military specialties.

"(a)(1) Subject to the provisions of this section, the Secretary may—

"(A) any loan made, insured, or guaranteed under part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1074 et seq.); or

"(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1071 et seq.);

"(C) any loan made under part E of such title (20 U.S.C. 1078 et seq.); or

"(D) any loan incurred for educational purposes made by a lender in a particular merit for promotion.

"(2) Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

"(3) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed on active duty as a member in an aviation specialty specified by the Secretary.

"(b) The amount of any loan that may be repaid under subsection (a) is 33 1⁄3 percent or $1,500, whichever is greater, for each year of service.

"(c) If a portion of a loan is repaid under this section for any year, interest on the remaining portion of the loan shall be true and paid in the same manner as is otherwise required.

"(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

"(e) A person who transfers from service making the person eligible for repayment of loans incurred under this section to service making the person eligible for repayment of loans under section
16301 of title 10 (as described in subsection (a)(2) or (g) of that section) during a year shall be eligible to have repaid a portion of such loan determined by giving appropriate consideration to the extent, if any, so served, in accordance with regulations of the Secretary concerned.

(a) The Secretary shall prescribe a schedule for the allocation of funds made available to carry out the provisions of this section and section 16301 of title 10 during any year for not less than $727,200,000 to pay the sum of the amounts eligible for repayment under subsection (a) and section 16301(a) of title 10 of such a person described in subsection (e) who transfers to service making the person eligible for repayment of loans under section 16301 of title 10, a member of the Coast Guard who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 303(a) or (g) of title 37.

(b) The Secretary may prescribe procedures for implementing this section, including standards for qualified loans and authorized payees and other terms and conditions for making loan repayments. Such regulations may include exceptions that would allow the Secretary to repay as a lump sum any loan repayment due to a member under a written agreement that existed at the time of a member's death or disability.

(b) ELEMENTS.—The analysis for subchapter III of chapter 27 of title 14, United States Code, is amended by striking the item relating to section 2772 and inserting the following:

"2772. Education loan repayment program: members on active duty in specified military specialties."
SEC. 5261. PROMOTION PARITY.

(a) INFORMATION TO BE FURNISHED.—Section 2115(a) of title 14, United States Code, is amended—

(1) in paragraph (1), by striking ";" and inserting a semicolon;

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

(b) CONVINCING.—(1) Any special selection review board convened under this section, the Secretary shall ensure that—

(1) such information is made available to the person; and

(2) subject to subparagraphs (C) and (D), the person is afforded a reasonable opportunity to submit comments on such information to the special selection review board before its review of the person and the recommendation for promotion of the person under this section.

(c) INFORMATION CONSIDERED.—(1) In considering the record and information on a person under this section, the special selection review board shall compare such record and information with an appropriate sampling of the records of those officers who were recommended for promotion by the promotion board that recommended the person for promotion, and an appropriate sampling of the records of those officers who were considered by and not recommended for promotion by that promotion board.

(2) Records and information shall be presented to a special selection review board for purposes of paragraph (1) in a manner that does not indicate or disclose the person or persons for whom the special selection review board was convened.

(d) CONSIDERATION.—In considering the record and information on a person under this section, the special selection review board shall, to the maximum extent practicable, be furnished a summary of such information appropriate to the person's authorization for access to classified information.

(1) An opportunity to submit comments on information is not required for a person under subparagraph (A)(ii) if—

(I) such information was made available to the person in connection with the furnishing of the information provided by the special selection review board under this section.

(II) the person submitted comments on such information to that promotion board.

(3)(A) A person who is appointed to the next higher grade as described in paragraph (1) shall, upon that appointment, have the same effective date for the rank as otherwise required by such section.

(B) A person who is appointed to a lower grade as described in paragraph (1) shall, upon that appointment, have the same effective date for the rank as otherwise required by such section.

(e) RECOMMENDATIONS.—(1) If the Secretary makes a recommendation for promotion of a person may be sustained under this section only by a vote of a majority of the members of the special selection review board. The officer shall be afforded a reasonable opportunity to submit comments on such recommendation.

(2) The provisions of section 2117(a) of this title apply to the report and proceedings of a special selection review board convened under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 2106 of this title.

(f) APPOINTMENT OF PERSONS.—(1) If the report of a special selection review board convened under this section recommends the promotion of the next higher grade of a person whose name was referred to it for review under this section, the Secretary shall designate the person whose promotion recommendation is the next highest grade as described in paragraph (1) as the person whose recommendation for promotion is to be reviewed.

(g) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

(h) PROMOTION BOARD DEFINED.—In this section, the term 'promotion board' means a selection board convened by the Secretary under section 2106 of this title.

(2) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 21 of title 14, United States Code, is amended by inserting after the item relating to section 2120 the following:

"2120a. Special selection review boards.

(c) AVAILABILITY OF INFORMATION.—Section 2118 of title 14, United States Code, is amended by inserting after the item relating to section 2120 the following:

"(e) If the Secretary makes a recommendation under this section, the Secretary shall be given access to such information to the extent of its classification status, the officer shall, to the maximum extent practicable, be furnished a summary of such information.

(d) DELAY OF PROMOTION.—Section 2121(f) of title 14, United States Code, is amended by inserting after the item relating to section 2115 the following:

"(1) The promotion of an officer may be delayed without prejudice if any of the following apply:

(A) The officer is under investigation or proceedings of a court-martial or a board of officers are pending against the officer.

(B) The officer has been sustained in a special selection review board.

(C) The officer has been sustained in a special selection review board.
SEC. 5262. PARTNERSHIP PROGRAM TO DIVERSE THE COAST GUARD.

(a) Establishment.—The Commandant shall establish a program for the purpose of increasing the number of underrepresented minorities in the enlisted ranks of the Coast Guard.

(b) Partnerships.—In carrying out the program established under subsection (a), the Commandant shall—

(1) seek to enter into 1 or more partnerships with eligible entities—

(A) to increase the visibility of Coast Guard careers;

(B) to promote curriculum development—

(i) to enable acceptance into the Coast Guard; and

(ii) to improve success on relevant exams,

(C) to provide mentoring for students entering and beginning Coast Guard careers;

(2) enter into a partnership with an existing Junior Reserve Officers’ Training Corps for the purpose of promoting Coast Guard careers;

(c) Eligible Institution Defined.—In this section, the term "eligible institution" means—

(1) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001));

(2) an institution that provides a level of educational attainment that is less than a bachelor’s degree;

(3) a part B institution (as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061));

(4) a Tribal College or University (as defined in section 360(b) of that Act (20 U.S.C. 1101));

(5) a Hispanic-serving institution (as defined in section 502 of that Act (20 U.S.C. 1101a));

(6) an Alaska Native-serving institution or a Native Hawaiian-serving institution (as defined in section 317(b) of that Act (20 U.S.C. 1058d(b))); and

(7) a predominantly Black institution (as defined in section 371(c) of that Act (20 U.S.C. 1071q(c)));

(8) an Asian American and Native American Pacific Islander-serving institution (as defined in such section); and

(9) a Native American-serving nontribal institution.

SEC. 5263. EXPANSION OF COAST GUARD JUNIOR RESERVE OFFICERS’ TRAINING CORPS.

(a) In General.—Section 320 of title 14, United States Code, is amended by—

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

(2) in subsection (b), by striking "subsection (c)" and inserting "subsection (d)"; and

(3) by inserting after subsection (b) the following:

"(c) Scope.—Beginning on December 31, 2025, the Secretary of the department in which the Coast Guard is operating shall maintain at all times a Junior Reserve Officers’ Training Corps program with not fewer than 1 such program established in each Coast Guard district."

(b) Cost Assessment.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to Congress an estimate of the costs associated with implementing the amendments made by this section.

SEC. 5264. IMPROVING REPRESENTATION OF WOMEN AND RACIAL AND ETHNIC MINORITIES AMONG COAST GUARD ACTIVITY LEADERS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, in consultation with the Advisory Board on Women at the Coast Guard Academy established under section 1904 of title 14, United States Code, and the minority outreach team program established by section 1905 of such title, the Commandant shall—

(1) determine which recommendations in the RAND representation report may practically be implemented to promote improved representation in the Coast Guard of—

(A) women; and

(B) racial and ethnic minorities; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the strategy developed under subsection (a).

(b) Elements.—The report required by paragraph (1) shall include the following:

"(1) A description of the strategy to expand recruitment and accession programs at educational institutions at the high school and higher education levels.

"(2) An explanation of the manner in which the strategy supports the Coast Guard’s overall diversity and inclusion action plan.

"(3) A description of the manner in which existing programs and partnerships will be modified or expanded to enhance diversity in recruiting and accession at the high school and higher education levels.

SEC. 5265. STRATEGY TO ENHANCE DIVERSITY THROUGH RECRUITMENT AND ACCESSION.

(a) In General.—The Commandant shall develop a 10-year strategy to enhance Coast Guard diversity through recruitment and accession—

(1) at educational institutions at the high school and higher education levels; and

(2) for the officer and enlisted ranks.

(b) Annual Report.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the strategy developed under subsection (a).

"(1) AUTHORITY.—The Commandant may enter into a contract with one or more qualified organizations for the purpose of supporting the athletic programs of the Coast Guard Academy.

"(2) ELEMENTS.—The contract may include the following:

"(A) AUTHORITY.—The Commandant may enter into a contract with one or more qualified organizations for the purpose of supporting the athletic programs of the Coast Guard Academy.

"(B) Support Services.—

"(1) AUTHORITY.—To the extent required by the contract or cooperative agreement under subsection (a), the Commandant may provide support services to a qualified organization while the qualified organization conducts its support activities at the Coast Guard Academy only if the Commandant determines that the provision of such services is essential to the support of the athletic programs of the Coast Guard Academy.

"(2) No Liability of the United States.—Support services may be provided without any liability of the United States to a qualified organization.
“(3) SUPPORT SERVICES DEFINED.—In this subsection, the term ‘support services’ includes utilities, office furnishings and equipment, communications services, records management, audio and video support, and security systems, in conjunction with the leasing or licensing of property.

“(c) FUND OPERATION.—(1) Except as provided in paragraph (2), the Commandant may, subject to the acceptance of the qualified organization, appropriate to the qualified organization all title to and ownership of the assets and liabilities of the Coast Guard non-appropriated fund instrumentality, the function of which is to support the athletic programs of the Coast Guard, including bank accounts and financial reserves in the accounts of such fund instrumentality, equipment, supplies, and other personal property.

“(2) The Commandant may not transfer under paragraph (1) any interest in real property.

“(d) ACCEPTANCE OF SUPPORT FROM QUALIFIED ORGANIZATION.—

“(1) IN GENERAL.—Notwithstanding section 132(b) of title 31, the Commandant may accept from a qualified organization funds, supplies, and property in support of the athletic programs of the Coast Guard Academy.

“(2) LIMITATIONS.—A licensing, marketing, or sponsorship agreement may not be considered to be employees of the United States.

“(3) FUNDS RECEIVED FROM NCAA.—The Commandant may accept funds from the National Collegiate Athletic Association to support the athletic programs of the Coast Guard Academy.

“(4) LIMITATION.—The Commandant shall ensure that contributions under this subsection and expenditure of funds pursuant to subsection (d) do not reflect unfavorably on the ability of the Coast Guard, any employee of the Coast Guard, or any member of the armed forces (as defined in section 101 of title 10) to carry out any responsibility or duty in a fair and objective manner; or compromise the integrity or appearance of integrity of any program of the Coast Guard, or any individual involved in such a program.

“(e) TRADEMARKS AND SERVICE MARKS.—

“(1) LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.—An agreement under subsection (a) may, consistent with section 2260 of title 10 (other than subsection (d) of such section), authorize a qualified organization to enter into licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Coast Guard Academy, subject to the approval of the Commandant.

“(2) LIMITATIONS.—A licensing, marketing, or sponsorship agreement may not be entered into under paragraph (1) if—

“(A) such agreement would reflect unfavorably on the ability of the Coast Guard, any employee of the Coast Guard, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner; or

“(B) the Commandant determines that the use of the trademark or service mark would compromise the integrity or appearance of integrity of any program of the Coast Guard or any individual involved in such a program.

“(f) RETENTION AND USE OF FUNDS.—Funds received by the Commandant under this section may be retained for use to support the athletic programs of the Coast Guard Academy and shall remain available until expended.

“(g) SERVICE ON QUALIFIED ORGANIZATION BOARD OF DIRECTORS.—A qualified organization is a designated entity for which authorization under sections 1033(a) and 1589(a) of title 10, may be provided.

“(h) CONDITIONS.—The authority provided in this subsection to a qualified organization is available only so long as the qualified organization continues—

“(1) to qualify as a nonprofit organization under subsection (b) of the Internal Revenue Code of 1986 and operate in accordance with this section, the law of the State of Connecticut, and the constitution and by-laws of the organization; and

“(2) to operate exclusively to support the athletic programs of the Coast Guard Academy.

“(i) QUALIFIED ORGANIZATION DEFINED.—In this section, the term ‘qualified organization’ means an organization—

“(1) described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986 and exempt from taxation under subsection (a) of that section; and

“(2) established by the Coast Guard Academy Alumni Association solely for the purpose of supporting Coast Guard athletics.

“§5945. Mixed-funded athletic and recreational extracurricular programs: authority to manage appropriated funds in same manner as nonappropriated funds

“(a) AUTHORITY.—In the case of a Coast Guard Academy mixed-funded athletic or recreational extracurricular program, the Commandant may appropriate to the Coast Guard and available for that program to be treated as nonappropriated funds and expended for that program in accordance with laws applicable to the expenditure of nonappropriated funds. Appropriated funds so designated shall be considered to be nonappropriated funds for all purposes and shall remain available until expended.

“(b) COVERED PROGRAMS.—In this section, the term ‘Coast Guard Academy mixed-funded athletic or recreational extracurricular program’ means an athletic or recreational extracurricular program of the Coast Guard Academy to which each of the following applies:

“(1) The program is not considered a morale, welfare, or recreation program.

“(2) The program is supported through appropriated funds.

“(3) The program is supported by a nonappropriated fund instrumentality.

“(4) The program is not a private organization and is not operated by a private organization.

“(c) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 14, United States Code, is amended by striking the item relating to section 315 and inserting the following:

“315. Training for congressional affairs personnel.”

“SEC. 5268. STRATEGY FOR RETENTION OF CUTTERMEN.

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall publish a strategy to improve incentives to attract and retain a diverse workforce serving on Coast Guard cutters.

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

“(1) Policies to improve flexibility in the cutterman career path, including policies that enable members of the Coast Guard serving on Coast Guard cutters to transition between operations afloat and operations ashore without detriment to their career progression.

“(2) A review of current officer requirements for afloat positions at each pay grade, an assessment of whether such requirements are appropriate or present undue limitations.

“(3) Strategies to improve crew comfort aboard core, such as heating, ventilation, and personal use by members of the Coast Guard serving on Coast Guard cutters.
SEC. 5270. STUDY ON FREQUENCY OF WEAPONS TRAINING.

(a) In general.—The Commandant shall conduct a study to assess whether current weapons training for Coast Guard law enforcement, defense readiness missions, and other activities unrelated to Coast Guard law enforcement is sufficient.

(b) Elements.—The study required by subsection (a) shall include:

(1) The extent to which the Force Readiness Command evaluates its own performance and training, and training compliance across Coast Guard headquarters and field units, and the results of any other means of assessing performance.

(2) The extent to which Coast Guard training is modified to meet the future demands of the Coast Guard with respect to growth in workforce numbers, modernization of assets and infrastructure, and increased global mission demands relating to the Arctic and Western Pacific regions and cyberspace.

(c) Report.—Not later than 1 year after the study required by subsection (a) commences, the Comptroller General shall submit to the appropriate committees of Congress a report that adequately represents a calculation of the annual costs and expenditures of performing and executing all defense readiness missions activities in the Coast Guard.

SEC. 5272. STUDY ON FREQUENCY OF WEAPONS TRAINING FOR COAST GUARD PERSONNEL.

(a) In General.—The Commandant shall conduct a study to assess whether current weapons training required for Coast Guard law enforcement, defense readiness missions and other relevant personnel is sufficient.

(b) Elements.—The study required by subsection (a) shall include:

(1) Whether there is a need to improve weapons training for Coast Guard law enforcement and other relevant personnel; and

(2) The frequency of such training most likely to ensure adequate weapons training, proficiency, and safety among such personnel.

(c) Report.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Comptroller General a report on the findings of the study conducted under subsection (a).

SEC. 5281. STUDY ON PERFORMANCE OF COAST GUARD FORCE READINESS COMMAND.

(a) In General.—The Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that adequately represents a calculation of the annual costs and expenditures of performing and executing all defense readiness missions activities in the Coast Guard's capacity as an armed force (as such term is defined in section 101 of title 10). The report shall be submitted to the Committees on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that adequately represents a calculation of the annual costs and expenditures of performing and executing all defense readiness missions activities in the Coast Guard's capacity as an armed force (as such term is defined in section 101 of title 10). The report shall be submitted to the Committees on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the performance of the Coast Guard Force Readiness Command.

SEC. 5282. COAST GUARD ASSISTANCE TO UNITED STATES SECRET SERVICE.

Section 8 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note) is amended—

(1) by striking “Executive departments” and inserting the following:

“(a) Except as provided in subsection (b), Executive departments”;

(2) by striking “Director; except that the Department of Defense” and inserting “Director”;

(3) by striking “costs associated with Coast Guard deployment, coordination, training, and execution of defense readiness missions activities in the Coast Guard’s capacity as an armed force (as such term is defined in section 101 of title 10)” and inserting “costs associated with Coast Guard deployment, coordination, training, and execution of defense readiness missions activities in the Coast Guard’s capacity as an armed force (as such term is defined in section 101 of title 10)”;

(4) by striking “Not later than 1 year after the date of the enactment of this Act.” and inserting “Not later than 1 year after the date of the enactment of this Act.”;

(5) by striking “the Secret Service of the Treasury Department” and inserting “the Secret Service of the Treasury Department”;

(6) by striking “the Secret Service” and inserting “the Secret Service”;

(7) by striking “In accordance with section 914 of title 14, United States Code:” and inserting “In accordance with section 914 of title 14, United States Code:”;

(8) by striking “a report to the Committees on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.” and inserting “a report to the Committees on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.”;

Sec. 5285. TRANSFER AND CONVEYANCE.

(a) Authorization.—Consistent with the procedures, criteria, and standards for assistance required pursuant to title 811 of the Counterintelligence and Security Enhancements Act of 1994 (50 U.S.C. 3381) and section 602 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3382), the Commandant may expend amounts made available for the intelligence and counterintelligence activities of the Coast Guard to conduct such an activity without regard to any other provision of law or regulation relating to the expenditure of Government funds, if the object of the activity is of a confidential, extraordinary, or emergency nature.

(b) Quarterly Report.—At the beginning of each fiscal quarter, the Commandant shall submit to the appropriate committees of Congress a report that includes, for each individual expenditure during the preceding fiscal quarter under subsection (a), the following:

(1) A detailed description of the purpose of such expenditure.

(2) The amount of such expenditure.

(3) An identification of the approving authority for such expenditure.

(4) A justification as to why other authorities available to the Coast Guard could not be used for such expenditure.

(5) Any other matter the Commandant considers appropriate.

(c) Appropriations Committees of Congress.—In this section, the term “appropriations committees of Congress” means—

(1) the Committee on Commerce, Science, and Transportation and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Transportation and Infrastructure and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) Sunset.—This section shall cease to have effect on the date that is 3 years after the date of the enactment of this Act.

SEC. 5286. CONVEYANCE OF COAST GUARD VESSELS FOR PUBLIC PURPOSES.

(a) Transfer.—Section 914 of the Coast Guard Authorization Act of 2010 (14 U.S.C. 501 note; Public Law 111–281) is amended—

(1) by transferring to chapter 5 of title 14, United States Code;

(2) by adding at the end of section 509 of such title, as added by section 5241 of this Act;

(3) redesignated as section 510 of such title; and

(4) amended so that the enumerator, the section heading, typeface, and typestyle conform to those appearing in other sections of title 14, United States Code.

(b) CLERICAL AMENDMENTS.—The analysis for subsection (b) of section 5114 of such title is amended to read as follows:

“(b)(1) The Secretary of the Treasury may transfer the following:

(1) The Coast Guard vessels designated by subsection (a), is amended—

(2) by adding a new section 5114. Expenses of performing and executing defense readiness missions activities in the Coast Guard Authorization Act of 2010 (Public Law 111–281) is amended by striking the item relating to section 514.

(2) Title 14.—The analysis for chapter 5 of title 14, United States Code, as amended by section 5241 of this Act, is amended by striking at the end the following:

“§ 5114. Expenses of performing and executing defense readiness missions activities in the Coast Guard Authorization Act of 2010”.

(b) Transfer.—Section 914 of title 14, United States Code, as transferred and redesignated by subsection (a), is amended—

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

“(a) In general.—On request by the Commandant, the Administrator of the General Services Administration may transfer ownership of a Coast Guard vessel to another entity for educational, cultural, historical, charitable, recreational, or other public purposes if such transfer is authorized by law.”; and

(2) in subsection (b)—

(A) in paragraph (1)—

(1) by inserting “as if the request were being processed” after “vessels”;

(2) by striking “for such purpose” and inserting “, as in effect on the date of the enactment of the Coast Guard Authorization Act of 2022” after “Code of Federal Regulations”;

(B) in paragraph (2) by inserting “, as in effect on the date of the enactment of the Coast Guard Authorization Act of 2022” after “such title”; and

(C) in paragraph (3) by striking “of the Coast Guard”.
SEC. 5286. TRANSPARENCY AND OVERSIGHT.

(a) REQUIREMENT.—The Commandant shall, without consideration, transfer in accordance with subsection (b) and convey in accordance with subsection (c) a parcel of the real property described in such subsection, including any improvements thereon, to free the Coast Guard of liability for any unforeseen environmental or remediation of substances that may exist on, or emanate from, such parcel.

(b) PROPERTY.—The property described in this paragraph is real property at Dauphin Island, located at 100 Agassiz Street, and consisting of a total of approximately 35.63 acres. The exact acreage and legal description of the parcel of such property is by or conveyed in accordance with subsection (b) or (c), respectively, shall be determined by a survey satisfactory to the Commandant.

(c) TO THE STATE OF ALABAMA.—The Commandant shall transfer, as described in subsection (a), to the Secretary of Health and Human Services (in this section referred to as the “Secretary”), for use by the Food and Drug Administration, custody and control of a portion, consisting of approximately 4 acres, of the parcel of real property described in such subsection, to be identified by agreement between the Commandant and the Secretary.

(d) PAYMENTS AND COSTS OF TRANSFER AND CONVEYANCE.—(1) PAYMENTS.—Notwithstanding section 780 of this Act, the Commandant shall reimburse the Coast Guard for such costs to be incurred by the Coast Guard, or (E) announcing publicly the intention to make or award an item described in subparagraph (B) and paragraph (1) of section 946 of title 46, United States Code, or the account that was credited to the Coast Guard Housing Fund under such section and not obligated.

(2) the Committee on Transportation and Infrastructure and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security and Governmental Affairs shall complete a study on the findings of the study required by subsection (a), including the personnel and resource requirements necessary for such program.

SEC. 5287. STUDY ON SAFETY INSPECTION PROGRAM FOR CONTAINERS AND FACILITIES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security and Governmental Affairs a report on the findings of the study required by subsection (a), including the personnel and resource requirements necessary for such program.

(b) REPORT.—Not later than 1 year after carrying out the study required by paragraph (1), the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on the Judiciary of the House of Representatives a report on the findings of the study required by subsection (a), including the personnel and resource requirements necessary for such program.

SEC. 5288. STUDY ON MARITIME LAW ENFORCEMENT WORKLOAD REQUIREMENTS.

(a) STUDY.—(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall commence a study that assesses the maritime law enforcement workload requirements of the Coast Guard.

(b) APPLICABLE COMMITTEES OF CONGRESS.—(1) the Committee on Transportation and the Committee on the Judiciary of the Senate and the Committee on Transportation and the Committee on the Judiciary of the House; and

(2) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(c) APPLICABLE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(C) the Committee on Transportation and the Committee on the Judiciary of the Senate and the Committee on Transportation and the Committee on the Judiciary of the House; and

(b) APPROPRIATE COMMITTEES OF CONGRESS.

(3) An evaluation of the training programs for such program.

(4) An assessment of as to whether such training programs adequately prepare future leaders for leadership positions in the Coast Guard.

(5) An identification of areas of improvement for such program in the interest of commerce and national security, and the costs associated with such improvements.

(6) Not later than 100 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security and Governmental Affairs a report on the findings of the study required by subsection (a), including the personnel and resource requirements necessary for such program.

SEC. 5289. TRANSPARENCY AND OVERSIGHT.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the department in which the Coast Guard is operating, or the designee of the Secretary, shall notify the appropriate committees of Congress and the Coast Guard Office of Congressional and Governmental Affairs not later than 3 full business days before—

(A) making or awarding a grant allocation or grant in excess of $1,000,000; or

(B) making or awarding a contract, other transaction agreement, or task or delivery order on a Coast Guard multiple award contract, or issuing a letter of intent totaling more than $2,000,000; or

(C) awarding a task or delivery order requiring an obligation of funds in an amount greater than $10,000,000 from multi-year Coast Guard appropriations; or

(D) making a sole-source grant award; or

(E) announcing publicly the intention to make or award an item described in subparagraph (B) and paragraph (1) of section 946 of title 46, United States Code, or the account that was credited to the Coast Guard Housing Fund under such section and not obligated;

(b) NO FUNDING.—(1) REQUIREMENT.—The Commandant shall, in the performance of any function pursuant to this section, make no obligation; and

(2) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(c) APPLICABLE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Commerce, Science, and Transportation and the Committee on the Judiciary of the Senate and the Committee on Transportation and the Committee on the Judiciary of the House; and

(2) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(d) APPROPRIATE COMMITTEES OF CONGRESS.

(1) in general.—Not later than 1 year after the date of the enactment of this Act, the Commandant, in consultation with the Commissioner of U.S. Customs and Border Protection, shall complete a study on the activities described in clause (i), including—

(A) the number of migrant interdictions, and such Coast Guard sectors in which such interdictions occurred;

(b) ELEMENTS.—The study required by paragraph (1) shall include the following:

(i) An evaluation and review of such safety inspection program.

(ii) Federal policies and procedures related to drug interdiction, drug trafficking, and the Coast Guard sectors in which such interdictions occurred;

(iii) physical assets used for drug interdictions, migrant interdictions, and other law enforcement purposes; and

(iv) personnel who carried out drug interdictions, migrant interdictions, and other law enforcement activities.

(d) APPROPRIATE COMMITTEES OF CONGRESS.

(1) in general.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on the Judiciary of the House of Representatives a report on the findings of the study required by subsection (a), including the personnel and resource requirements necessary for such program.

SEC. 5290. STUDY ON MARITIME LAW ENFORCEMENT WORKLOAD REQUIREMENTS.

(a) STUDY.—(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall commence a study that assesses the maritime law enforcement workload requirements of the Coast Guard.

(b) APPLICABLE COMMITTEES OF CONGRESS.—(1) the Committee on Transportation and the Committee on the Judiciary of the Senate and the Committee on Transportation and the Committee on the Judiciary of the House; and

(2) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(c) APPLICABLE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(iii) An identification of areas of improvement for such program.

(iv) An assessment of as to whether such training programs adequately prepare future leaders for leadership positions in the Coast Guard.

(v) An identification of areas of improvement for such program in the interest of commerce and national security, and the costs associated with such improvements.

(2) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(d) APPROPRIATE COMMITTEES OF CONGRESS.

(1) in general.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security and Governmental Affairs a report on the findings of the study required by subsection (a), including the personnel and resource requirements necessary for such program.

SEC. 5292. STUDY ON SAFETY INSPECTION PROGRAM FOR CONTAINERS AND FACILITIES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant, in consultation with the Commissioner of U.S. Customs and Border Protection, shall complete a study on the safety inspection program for containers (as defined in section 80501 of title 46, United States Code) and the appropriate coastal and port facilities receiving containers.

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

(i) An evaluation and review of such safety inspection program.

(ii) Federal policies and procedures related to drug interdiction, drug trafficking, and the Coast Guard sectors in which such interdictions occurred;

(iii) increases or decreases in physical territorial waters of the United States, and the associated impact of such increases or decreases on the activities described in clause (i), including—

(A) the number of migrant interdictions, and the associated impact of such increases or decreases on the activities described in clause (i), including—

(B) the number of qualified Coast Guard container and facility inspectors, and an assessment as to whether, during the preceding 10-year period, the number of such inspectors was sufficient to carry out the mission of the Coast Guard;

(C) interdictions, and the associated impact of such increases or decreases on the activities described in clause (i), including—

(D) administrative asylum processing policies, such as expansion pursuant to sections 362 and 365 of the Public Health Service Act (42 U.S.C. 365 and 365); and

(e) increases or decreases in physical Coast Guard assets in the areas described in clause (i), the proximity of such assets to such areas, and the associated impact of such increases or decreases on the activities described in clause (i), including—

(f) increases or decreases in physical Coast Guard assets in the areas described in clause (i), the proximity of such assets to such areas, and the associated impact of such increases or decreases on the activities described in clause (i), including—

(g) increases or decreases in physical Coast Guard assets in the areas described in clause (i), the proximity of such assets to such areas, and the associated impact of such increases or decreases on the activities described in clause (i), including—
of Representatives a report on the findings of the study.

(c) BRIEFING.—Not later than 90 days after the date on which the report required by subsection (b) is submitted, the Commandant shall provide a briefing on the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on the Judiciary of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security and Governmental Affairs of the House of Representatives on the findings of the study.

SEC. 5289. FEASIBILITY STUDY ON CONSTRUCTION OF COAST GUARD STATION AT PORT MANSFIELD.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall commence a feasibility study on construction of a Coast Guard station at Port Mansfield, Texas.

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

(A) An assessment of the resources and workforce requirements necessary for a new Coast Guard station at Port Mansfield.

(B) A cost-benefit analysis of the enhancements to the missions and capabilities of the Coast Guard that a new Coast Guard station at Port Mansfield would provide.

(C) An identification of the enhancements to the missions and capabilities of the Coast Guard that a new Coast Guard station at Port Mansfield would provide.

(D) A cost-benefit analysis of the enhancements to the missions and capabilities of the Coast Guard that a new Coast Guard station at Port Mansfield would provide.

(b) REPORT.—Not later than 180 days after completing the study required by subsection (a), the Commandant shall submit to—

(1) the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

SEC. 5290. MODIFICATION OF PROHIBITION ON OPERATION OR PROCUREMENT OF FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.


(1) by amending subsection (b) to read as follows:

``''(b) EXEMPTION.—The Commandant is exempt from the restriction under subsection (a) if the operation or procurement is for the purpose of—

''''(1) a foreign-block system surrogate testing and training; or

''''(2) intelligence, electronic warfare, and information warfare operations, testing, analysis, and training;''''

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

``''(c) WAIVER.—The Commandant may waive the restriction under subsection (a) on a case-by-case basis by certifying in writing not later than 15 days after exercising such waiver to the Department of Homeland Security, the Commandant, the Commandant, the Commandant, and the Committee on Transportation and Infrastructure and the Committee on Homeland Security and Governmental Affairs of the United States;''''

(3) by amending subsection (d) to read as follows:

``''(d) AND waiver to the Department of Homeland Security and the Department of Transportation for purposes of—

''''(1) the extent to which the Commandant assesses Iran would use sanctions relief received by Iran under the Joint Comprehensive Plan of Action to bolster Iran’s support for Iraqi forces or Iranian-linked groups across the Middle East in a manner that may impact Coast Guard personnel and operations in the Middle East; and

''''(2) the Coast Guard requirements for deteriorating or countering increased malign behavior from such groups in respect to activities under the jurisdiction of the Coast Guard.

SEC. 5291. OPERATIONAL DATA SHARING CAPABILITY.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of the Department in which the Coast Guard is operating (referred to in this section as the “Secretary”) shall, consistent with the Integrated Mission and Domain Enterprise joint effort by the Department of Homeland Security and the Department of Defense, establish a secure, centralized, interagency, real-time data and information sharing network for near-real-time, data and information sharing between U.S. Customs and Border Protection and the Coast Guard for purposes of maritime border domain awareness and enforcement activities along the maritime boundaries of the United States, including the maritime boundaries in the northern and southern continental United States and Alaska.

(b) PRIORITY.—In establishing the capability under subsection (a), the Secretary shall prioritize enforcement areas experiencing the highest levels of enforcement activity.

(c) REQUIREMENTS.—The capability established under subsection (a) shall be sufficient for the secure sharing of data, information, and surveillance necessary for operational missions, including governmental assets, irrespective of whether an asset belongs to the Coast Guard, U.S. Customs and Border Protection, or any other partner agency, located in and around mission operations areas.

(d) ELEMENTS.—The Commissioner of U.S. Customs and Border Protection and the Commandant shall jointly—

(1) assess and delineate the types and quality of data sharing needed to meet the respective operational requirements of U.S. Customs and Border Protection and the Coast Guard, including video surveillance, seismic sensors, infrared detection, space-based remote sensing, and any other data or information necessary.

(2) develop appropriate requirements and processes for the credentialing of personnel of U.S. Customs and Border Protection and personnel of the Coast Guard to access and use the capability established under subsection (a); and

(3) establish a cost-sharing agreement for the long-term operation and maintenance of the capability and the assets that provide data to the capability.

(e) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security and Governmental Affairs of the House of Representatives a report on the establishment of the capability under this section.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the Coast Guard, U.S. Customs and Border Protection, or any other partner agency to acquire, share, or distribute information relating to an individual in violation of any Federal or State law or regulation.

SEC. 5292. PROCUREMENT OF TETHERED AEROSTAT STATION—GREAT BRANDEBURG, BAVARIA.

The Secretary of the Department of Homeland Security, in consultation with the Secretary of the Army, may procure not fewer than 1 tethered aerostat radar system, or similar technology, for use by the Coast Guard and other partner agencies, including U.S. Customs and Border Protection, at and around Coast Guard Station South Padre Island.

Subject to the availability of appropriations, the Secretary of the Department in which the Coast Guard is operating shall procure not fewer than 1 tethered aerostat radar system, or similar technology, for use by the Coast Guard and other partner agencies, including U.S. Customs and Border Protection, at and around Coast Guard Station South Padre Island.

SEC. 5293. ASSESSMENT OF IRAN SANCTIONS RELIEF ON COAST GUARD OPERATIONS UNDER THE JOINT COMPREHENSIVE PLAN OF ACTION.

Not later than 1 year after the date of the enactment of this Act, the Commandant, in consultation with the Director of the Defense Intelligence Agency and the Commander of United States Central Command, shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the House of Representatives, in an unclassified setting with a classified component if necessary, on—

(1) the extent to which the Commandant assesses Iran would use sanctions relief received by Iran under the Joint Comprehensive Plan of Action to bolster Iran’s support for Iranian forces or Iranian-linked groups across the Middle East in a manner that may impact Coast Guard personnel and operations in the Middle East; and

(2) the Coast Guard requirements for deteriorating or countering increased malign behavior from such groups in respect to activities under the jurisdiction of the Coast Guard.

SEC. 5294. REPORT ON SHIPYARDS OF FINLAND AND SWEDEN.

Not later than 2 years after the date of the enactment of this Act, the Commandant, in consultation with the Comptroller General of the United States, shall submit to Congress a report that analyzes the shipyards of Finland and Sweden for their capacities and potential to construct ships for the United States.

SEC. 5295. PROHIBITION ON CONSTRUCTION CONTRACTS WITH ENTITIES ASSOCIATED WITH THE CHINESE COMMUNIST PARTY.

(a) IN GENERAL.—The Commandant may not award any contract for construction work to—

(1) owned or controlled by the People’s Republic of China; or

(2) part of the defense industry of the Chinese Communist Party.

(b) INAPPLICABILITY TO TAIWAN.—Subsection (a) shall not apply with respect to an economic interest in an entity owned or controlled by Taiwan.
SEC. 3296. REVIEW OF DRUG INTERDCTION EQUIPMENT AND STANDARDS: TESTING FOR FENTANYL DURING INTERDCTION OPERATIONS.

(a) Review.—

(1) In general.—The Commandant, in consultation with the Administrator of the Drug Enforcement Administration and the Secretary of Health and Human Services, shall—

(A) conduct a review of—

(i) the equipment, testing kits, and rescue medications used to conduct Coast Guard drug interdiction operations; and

(ii) the safety and training standards, policies, and procedures with respect to such operations;

(B) determine whether the Coast Guard is using the latest equipment and technology and up-to-date training and standards for recognizing, handling, testing, and securing illegal drugs, fentanyl and other synthetic opioids, and precursor chemicals during such operations.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the appropriate committees of Congress a report on the results of the review conducted under paragraph (1).

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

(A) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(b) REQUIREMENT.—If, as a result of the review required by subsection (a), the Commandant determines that the Coast Guard is not using the latest equipment and technology and up-to-date training and standards for recognizing, handling, testing, and securing illegal drugs, fentanyl and other synthetic opioids, and precursor chemicals during drug interdiction operations, the Commandant shall ensure that the Coast Guard acquires and uses such equipment and technology, carries out such training, and implements such standards.

(c) TESTING FOR FENTANYL.—The Commandant shall ensure that Coast Guard drug interdiction operations include the testing of substances encountered during such operations for fentanyl, as appropriate.

SEC. 3297. PRIORITY AND ELIGIBILITY OF INFORMATION ON MONTHLY MIGRANT INTERDCTIONS.

Not later than the 15th day of each month, the Commandant shall make available to the public on an internet website of the Coast Guard the number of migrant interdictions carried out by the Coast Guard during the preceding month.

TITLE LIII—ENVIRONMENT

SEC. 3501. DEFINITION OF SECRETARY.

Except as otherwise specifically provided, in this title, the term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

Subtitle A—Marine Mammals

SEC. 3511. DEFINITIONS.

In this subtitle—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives.

(2) CORE FORAGING HABITATS.—The term “core foraging habitats” means areas—

(A) and physical oceanographic features that aggregate Calanus finmarchicus; and

(B) where North Atlantic right whales foraging aggregations have been well documented.

(3) EXCLUSIVE ECONOMIC ZONE.—The term “exclusive economic zone” has the meaning given that term in section 107 of title 46, United States Code.

(4) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) LARGE CETACEAN.—The term “large cetacean” means all endangered or threatened species within—

(A) the suborder Mysticeti; (B) the genera Physeter; or (C) the genera Orcinus.

(6) NEAR REAL-TIME.—The term “near real-time”, with respect to monitoring of whales, means that visual, acoustic, or other detections of whales are processed, transmitted, and reported as close to the time of detection as is technically feasible.

(7) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(8) PUGET SOUND REGION.—The term “Puget Sound region” means the Vessel Traffic Service Puget Sound area described in section 161 of the Federal Regulations (as of the date of the enactment of this Act).

(9) PUBLICLY ACCESSIBLE.—The term “publicly accessible” means—

(A) publicly accessible and available to all members of the public not subject to any registration, fee, or other similar restriction; and

(B) publicly accessible and available on an internet website that is accessible to the public.

(10) SECRETARY.—The term “Secretary” means the Secretary of Commerce for Oceans and Atmosphere.

SEC. 3512. ASSISTANCE TO PORTS TO REDUCE THE IMPACTS OF VESSEL TRAFFIC AND PORT OPERATIONS ON MARINE MAMMALS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary, in consultation with the Director of the United States Fish and Wildlife Service, the Secretary of the Department of the Interior, and the Administrator of the Maritime Administration, shall establish a grant program to provide assistance to eligible entities to develop and implement mitigation measures that will lead to a quantifiable reduction in threats to marine mammals from vessel traffic, including shipping activities and port operations.

(b) ELIGIBLE ENTITIES.—An entity is an eligible entity for purposes of assistance awarded under subsection (a) if the entity is—

(1) a port authority for a port;

(2) a State, the District of Columbia, a Tribal government, or an Alaska Native or Native Hawaiian entity that has jurisdiction over a maritime port authority or a port;

(3) an academic institution, research institution, or nonprofit organization working in partnership with a port; or

(4) a consortium of entities described in paragraphs (1) through (3).

(c) ELIGIBLE USES.—Assistance awarded under subsection (a) may be used to develop, assess, and implement activities that reduce threats to marine mammals by—

(1) reducing underwater stressors related to marine traffic;

(2) reducing mortality and serious injury from vessel strikes and other physical disturbances; and

(3) monitoring sound; (4) reducing vessel interactions with marine mammals;

(5) conducting other types of monitoring that are consistent with reducing the threats to, and enhancing the habitats of, marine mammals; or

(6) supporting State Agencies and Tribal governments in developing the capacity to receive assistance under this section through education, training, information sharing, and collaboration to participate in the grant program under this section.

(d) PRIORITY.—The Under Secretary shall prioritize assistance under subsection (a) for ports that—

(1) are in close proximity to areas in which threatened or endangered cetaceans are known to experience other stressors; or

(2) allow eligible entities to conduct risk assessments and to track progress toward threat reduction.

(3) AUTOPHOTOGRAPH.—The Under Secretary, in coordination with the Secretary, the Administrator of the Maritime Administration, and the Director of the United States Fish and Wildlife Service, as appropriate, shall conduct coordinated outreach to ports to provide information with respect to—

(a) how to apply for assistance under subsection (a); (b) the benefits of such assistance; and

(c) facilitation of best practices and lessons learned from activities carried out using such assistance.

(f) REPORT REQUIRE.—Not less frequently than annually, the Under Secretary shall make available to the public on a publicly accessible internet website of the National Oceanic and Atmospheric Administration a report that includes the following information:

(1) The name and location of each entity to which assistance was awarded under subsection (a) during the year preceding submission of the report.

(2) The amount of each such award.

(3) A description of the activities carried out with each such award.

(4) An estimate of the likely impact of such activities on the reduction of threats to marine mammals.

(5) An estimate of the likely impact of such activities, including the cost of such activities, on port operations.

(g) FUNDING.—From funds otherwise appropriated to the Under Secretary, $10,000,000 is authorized to carry out this section for each of fiscal years 2023 through 2028.

(h) SAVINGS CLAUSE.—An activity may not be carried out under this section if the Secretary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.

SEC. 3513. NEAR REAL-TIME MONITORING AND MITIGATION PROGRAM FOR LARGE CETACEANS.

(a) ESTABLISHMENT.—The Under Secretary, in coordination with the heads of other relevant Federal agencies, shall design and deploy a cost-effective, efficient, and results-oriented near real-time monitoring and mitigation program for endangered or threatened cetaceans (referred to in this section as the “Program”).

(b) PURPOSE.—The purpose of the Program shall be to reduce the risk to large cetaceans
posed by vessel collisions, and to minimize other impacts on large cetaceans, through the use of near real-time location monitoring and location information.

(c) REQUIREMENTS.—The Program shall—

(1) prioritize species of large cetaceans for which impacts from vessel collisions are of particular concern;

(2) prioritize locations where such impacts are of particular concern;

(3) be capable of detecting and alerting ocean users and enforcement agencies of the probable evacuation of large cetaceans on an actionable real-time basis, including through real-time data whenever possible;

(4) inform sector-specific mitigation protocols to prevent, reduce, or mitigate such impacts from vessel strikes, disturbances, and other impacts on large cetaceans, through real-time monitoring methods and technologies; and

(5) integrate technology improvements; and

(6) be informed by technologies, monitoring methods, and mitigation protocols developed under the pilot project required by subsection (d).

(d) PILOT PROJECT.—

(1) ESTABLISHMENT.—In carrying out the Program, the Under Secretary shall first establish a pilot program to provide near real-time monitoring and mitigation project for North Atlantic right whales (referred to in this section as the “pilot project”) for the purposes of informing the Program.

(2) REQUIREMENTS.—In designing and deploying the pilot project, the Under Secretary, in coordination with the heads of other relevant Federal agencies, shall, using the best available scientific information, identify and ensure coverage of—

(A) priority species; and

(B) important feeding, breeding, calving, rearing, or migratory habitats of North Atlantic right whales that co-occur with areas of high risk of mortality or serious injury of such whales from vessels, vessel strikes, or disturbance.

(3) COMPONENTS.—Not later than 3 years after the date of the enactment of this Act, the Under Secretary, in consultation with relevant Federal agencies and Tribal governments, and with input from affected stakeholders, shall design and deploy a near real-time monitoring system for North Atlantic right whales that—

(A) comprises the best available detection power, data, and surveillance effort to detect and localize North Atlantic right whales within habitats described in paragraph (2); and

(B) is capable of detecting North Atlantic right whales, including visually and acoustically;

(4) MONITORING.—The Program shall require personnel of the Cetacean Desk, the Quiet Region, and Puget Sound Vessel Traffic Service; and

(5) ENGAGEMENT WITH VESSEL OPERATORS.—

(A) GENERAL.—Under the pilot program required by subsection (a), the Secretary shall require personnel of the Cetacean Desk to engage with vessel operators in areas where large cetaceans have been seen or could reasonably be present to ensure compliance with applicable laws, regulations, and voluntary guidance, to reduce the impacts of vessel traffic on large cetaceans.

(B) ADDITIONAL AUTHORITY.—The Under Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this section as the Under Secretary considers appropriate, consistent with the Federal Acquisition Regulation.

(6) ADDITIONAL AUTHORITY.—The Under Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this section as the Under Secretary considers appropriate, consistent with the Federal Acquisition Regulation.
Sound program of the State of Washington, the National Oceanic and Atmospheric Administration, and the Puget Sound Vessel Traffic Service, and other relevant entities, as appropriate.

(d) DATA.—The Under Secretary shall leverage existing data collection methods, the Program required by section 313, and public data to develop, implement, and timely information on the sighting of large cetaceans.

(e) CONSULTATIONS.—(1) In GENERAL.—In carrying out the pilot program required by subsection (a), the Secretary shall consult with Tribal governments, the State of Washington, institutions of higher education, the maritime industry, ports and terminal operators, the Puget Sound region, and non-governmental organizations.

(2) COORDINATION WITH CANADA.—When appropriate, the Secretary shall coordinate with the Government of Canada, consistent with policies and agreements relating to management of vessel traffic in Puget Sound.

(f) PUGET SOUND VESSEL TRAFFIC SERVICE LOCAL VARIANCE AND POLICY.—The Secretary, with the concurrence of the Under Secretary and in consultation with the Captain of the Port for the Puget Sound region—(1) shall implement local variances, as authorized by subsection (c) of section 70001 of title 14, United States Code, to reduce the impact of vessel traffic on large cetaceans; and (2) may enter into cooperative agreements, in accordance with subsection (d) of that section, with Federal, State, and local officials to reduce the likelihood of vessel interactions with protected large cetaceans, which may include—(A) communicating marine mammal protection guidance to vessels; (B) training on requirements imposed by local, State, Tribal, and Federal laws and regulations and guidelines concerning—(i) vessel buffer zones; (ii) vessel speed; (iii) seasonal no-go zones for vessels; (iv) protected areas, including areas designated as critical habitat, as applicable to marine operations; and (v) any other activities to reduce the direct and indirect impact of vessel traffic on large cetaceans; (C) training to understand, utilize, and communicate large cetacean location data; and (D) training to understand and communicate basic large cetacean detection, identification, and behavior, including—(i) any availability of large cetaceans such as spouts, water disturbances, breaches, or presence of prey; (ii) important feeding, breeding, calving, and rearing habitats that co-occur with areas of high risk of vessel strikes; (iii) seasonal large cetacean migration routes that co-occur with areas of high risk of vessel strikes; (iv) areas designated as critical habitat for large cetaceans; (g) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, and every 2 years thereafter for the duration of the pilot program under this section, the Commandant, in coordination with the Under Secretary and the Administrator of the Maritime Administration, shall submit to the appropriate congressional committees a report that—(1) contains the functionality, utility, reliability, responsiveness, and operational status of the Cetacean Desk established under the pilot program required by subsection (a), including a quantification of reductions in vessel strikes to large cetaceans as a result of the pilot program; (2) assesses the efficacy of communication between the Cetacean Desk and the maritime industry and provides recommendations for improvements; (3) evaluates the coordination and interoperability of existing data collection methods, as well as public data, into the Cetacean Desk operations; (4) assesses the efficacy of collaboration and stakeholder engagement with Tribal governments, the State of Washington, institutions of higher education, the maritime industry, ports and terminal operators, the Puget Sound region, and nongovernmental organizations; and (5) evaluates the progress, performance, and implementation of guidance and training provided to Puget Sound Vessel Traffic Service personnel.

SEC. 5315. MONITORING OCEAN SOUNDSCAPES.

(a) IN GENERAL.—The Under Secretary shall maintain and expand an ocean soundscape development program—(1) to award grants to expand the deployment of Federal and non-Federal observing and data management systems capable of collecting measurements of underwater sound for purposes of monitoring and analyzing baselines and trends in the underwater soundscape to protect and manage marine life; (2) to continue to develop and apply standardized forms of measurements to assess sounds produced by marine animals, physical processes, and anthropogenic activities; and (3) after coordinating with the Secretary of Defense, to coordinate and make accessible to the public the datasets, modeling and analysis, and user-driven products and tools resulting from observations of underwater sound funded through grants awarded under paragraph (1).

(b) COORDINATION.—The program described in subsection (a) shall—(1) include the Marine Noise Reference Station Network of the National Oceanic and Atmospheric Administration and the National Park Service; (2) use and coordinate with the Integrated Ocean Observing System; and (3) coordinate with the Regional Ocean Partnerships and the Director of the United States Fish and Wildlife Service, as appropriate.

(c) PRIVACY.—In awarding grants under subsection (a), the Under Secretary shall consider the potential privacy of the recipients of such grants.

(d) SAVINGS CLAUSE.—An activity may not be carried out under this section if the Secretary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.

(e) FUNDING.—From funds otherwise appropriated to the Under Secretary, $1,500,000 is authorized for each of fiscal years 2023 through 2028 to carry out this section.

Subtitle B—Oil Spills

SEC. 5321. IMPROVING OIL SPILL PREPAREDNESS AND RESPONSE CRITERIA.

The Under Secretary of Commerce for Oceans and Atmosphere shall include in the Automated Data Inquiry for Oil Spills database (or successor database) used by the National Oceanic and Atmospheric Administration oil weathering models new data, including—(1) peer-reviewed data, on properties of crude and refined oils, including data on di- luted bitumen, as such data becomes publicly available.

SEC. 5322. WESTERN ALASKA OIL SPILL PLANNING CRITERIA.

(a) ALASKA OIL SPILL PLANNING CRITERIA PROGRAM.—(1) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

“§ 323. Western Alaska Oil Spill Planning Criteria Program

“(a) ESTABLISHMENT.—There is established within the Coast Guard a Western Alaska Oil Spill Planning Criteria Program (referred to in this section as the ‘Program’) to develop and administer the Western Alaska oil spill planning criteria;

“(b) PROGRAM MANAGER.—(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Commandant shall select a permanent civilian career employee through a competitive search process for a term of not less than 5 years to serve as the Western Alaska Oil Spill Criteria Program Manager (referred to in this section as the ‘Program Manager’); and

“(B) who shall not be subject to frequent or routine reassignment.

“(2) CONFLICTS OF INTEREST.—The individual selected to serve as the Program Manager shall not have conflicts of interest relating to entities regulated by the Coast Guard.

“(c) DUTIES.—“(A) DEVELOPMENT OF GUIDELINE.—The Program Manager shall develop guidelines for—“(i) approval, drills, and testing relating to the Western Alaska oil spill planning criteria; and

“(ii) gathering input concerning such planning criteria from Federal agencies, State, local, Tribal governments, and relevant industry and nongovernmental entities.

“(B) ASSESSMENTS.—Not less frequently than once every 5 years, the Program Manager shall—“(i) assess whether such existing planning criteria adequately meet the needs of vessels operating in the geographic area; and

“(ii) identify methods for advancing response capability so as to achieve, with respect to a vessel, compliance with national planning criteria.

“(C) ONSITE VERIFICATIONS.—The Program Manager shall address the relatively small number and limited nature of verifications of response capabilities for vessel response plans by increasing, within the Seventeenth Coast Guard District, the quantity and frequency of onsite verifications of the provisions certified in vessel response plans that involve alternative planning criteria.

“(d) TRAINING.—The Commandant shall enhance the knowledge and proficiency of Coast Guard personnel with respect to the Program by—“(i) developing formalized training on the Program that, at a minimum—“(A) provides in-depth analysis of—“(i) the national planning criteria described in part 155 of title 33, Code of Federal Regulations (or successor regulations); and

“(ii) alternative planning criteria; and

“(iii) Western Alaska oil spill planning criteria;

“(ii) Captain of the Port and Federal On-Scene Coordinator authorities related to activation of a vessel response plan;

“(v) the responsibilities of vessel owners and operators in preparing a vessel response plan for submission; and

“(vi) responsibilities of the Area Committee, including risk analysis, response capability, and development of alternative planning criteria;

“(B) explains the approval processes of vessel response plans that involve alternative planning criteria or Western Alaska oil spill planning criteria; and

“(C) provides instruction on the processes involved in carrying out the actions described in paragraphs (9)(D) and (9)(F) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1231(j)), including instruction on carrying out such actions—
(1) in any geographic area in the United States; and
(2) provide, on behalf of the Secretary, training to all Coast Guard personnel involved in the Program.

(i) Definitions.—In this section:
(1) Alternative Planning Criteria.—The term ‘alternative planning criteria’ means the national planning criteria submitted under section 155.1065 or 155.5067 of title 33, Code of Federal Regulations (or successor regulations), for vessel response plans.

(ii) Tribal.—The term ‘Tribal’ means or pertaining to an Indian Tribe or a Tribal organization as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(iii) Vessel Response Plan.—The term ‘vessel response plan’ means a plan required to be submitted by the owner or operator of a tank vessel or a nontank vessel under regulations issued by the President under section 311(j)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)).

(iv) Western Alaska Oil Spill Planning Criteria.—The term ‘Western Alaska oil spill planning criteria’ means the criteria required under paragraph (9) of section 311(j)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)).

(v) Amendment.—The analysis for chapter 3 of title 14, United States Code, is amended by adding at the end the following:

“323. Western Alaska Oil Spill Planning Criteria Program.

(b) Western Alaska Oil Spill Planning Criteria.

(1) Amendment.—Section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended by adding at the end the following:

“(A) Definitions.—In this paragraph:

(i) Alternative Planning Criteria.—The term ‘alternative planning criteria’ means criteria submitted under section 155.1065 or 155.5067 of title 33, Code of Federal Regulations (or successor regulations), for vessel response plans.

(ii) Tribal.—The term ‘Tribal’ means or pertaining to an Indian Tribe or a Tribal organization as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(iii) Vessel Response Plan.—The term ‘vessel response plan’ means a plan required to be submitted by the owner or operator of a tank vessel or a nontank vessel under regulations issued by the President under paragraph (5).

(iv) Western Alaska Captain of the Port Zone.—The term ‘Western Alaska Captain of the Port Zone’ means the area described in section 3.85-15(b) of title 33, Code of Federal Regulations (or successor regulations).

(v) Written Agreement.—The term ‘Written Agreement’ means an agreement between the United States and a Tribal organization under section 311(j)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).

(vi) Periodic Audits.—The Secretary shall conduct periodic audits to ensure compliance of vessel response plans and oil spill removal organizations within the Western Alaska Captain of the Port Zone and the Prince William Sound Captain of the Port Zone with the planning criteria established under subparagraph (D)(i).

(G) Periodic Audits.—The Secretary shall conduct periodic audits to ensure compliance of vessel response plans and oil spill removal organizations within the Western Alaska Captain of the Port Zone and the Prince William Sound Captain of the Port Zone with the planning criteria established under subparagraph (D)(i).

(H) Review of Determination.—Not less frequently than once every 5 years, the Secretary shall review each determination of the Secretary under subparagraph (D)(i) to determine whether the national planning criteria are inappropriate for a vessel operating in the area.

(I) Vessels in Cook Inlet.—Unless otherwise authorized by the Secretary, a vessel may only operate in Cook Inlet, Alaska, under a vessel response plan that meets the requirements of the national planning criteria established pursuant to paragraph (5).

(J) Savings Provisions.—Nothing in this paragraph affects—

(i) the requirements under this subsection applicable to vessel response plans for vessels operating within the area of responsibility of the Western Alaska Captain of the Port Zone, within Cook Inlet, Alaska; and

(ii) the requirements under this subsection applicable to vessel response plans for vessels operating within the area of responsibility of the Western Alaska Captain of the Port Zone, within Cook Inlet, Alaska; and

(bb) controls oil spill response resources of dedicated and nondedicated resources within that area, through ownership, contracts, agreements, or other means approved by the President, sufficient to mobilize and respond to a worst case discharge of oil; and

(cc) has pre-positioned oil spill response resources in strategic locations throughout that area in a manner that ensures the ability to respond to marine operations, air cargo, or other related logistics infrastructure;
(A) DEADLINE.—Not later than 2 years after the date of the enactment of this Act, the President shall establish the planning criteria required to be established under paragraph (3)(A) of title 31(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).

(B) CONSULTATION.—In establishing the planning criteria required to be established under paragraph (3)(B) of title 31(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)), the President shall consult with the Federal, State, local, and Tribal agencies and the owners and operators that would be subject to those planning criteria, and with oil spill removal organizations, Alaska Native organizations, and environmental non-governmental organizations located within the States affected by the planning criteria.

(C) CONGRESSIONAL REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the status of implementation of paragraph (9) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).

SEC. 5321. ACCIDENT AND INCIDENT NOTIFICATION RELATING TO PIPELINES.

(a) REPEAL.—Subsection (c) of section 9 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (49 U.S.C. 60117(c)) is amended by striking sub-paragraph (B) and inserting the following:

"(B) the amount expended for Federal Government cost recovery claims, less any Federal Government cost recovery claims under section 311(f)(1) of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (49 U.S.C. 60117 note; Public Law 112-90) are repealed.

(b) APPLICATION.—Section 9 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (49 U.S.C. 60117 note; Public Law 112-90) shall be applied and administered as if the subsection repealed by subsection (a) had never been enacted.

SEC. 5324. COAST GUARD CLAIMS PROCESSING COSTS.

Section 1321(c)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(4)) is amended by striking "damages;" and inserting "damages, including, in the case of a spill of national significance not later than 30 days after the date on which the Coast Guard determines it to be necessary to process those claims;"

SEC. 5325. CATEGORIZATION OF INTEREST ON DEBT OWED TO THE NATIONAL POLLUTION FUND.

Section 1321(j)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(4)) is amended—

(1) by striking "interim interest paid for Federal Government cost recovery claims;"; and

(2) by adding at the end the following:

"(B) FEDERAL COST RECOVERY CLAIMS.—The interest paid for Federal Government cost recovery claims under this section shall be calculated in accordance with section 3717 of title 31.".

SEC. 5326. PER-INCIDENT LIMITATION.

Subparagraph (A) of section 9509(c)(2) of the Internal Revenue Code of 1986 is amended—

(1) in clause (1), by striking "$1,000,000,000;" and inserting "$500,000,000;";

(2) in clause (2), by striking "$500,000,000;" and inserting "$750,000,000;" and

(3) in the heading, by striking "$1,000,000,000;" and inserting "$500,000,000;".

SEC. 5327. ACCESS TO THE OIL SPILL LIABILITY TRUST FUND.

Section 602 of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended by striking subsection (b) and inserting the following:

"(b) The fund.—

(1) IN GENERAL.—Subsection (a) shall not apply to—

"(A) section 1006(f), 1012(a)(4), or 5006; or

"(B) an amount, which may not exceed $50,000,000 in any fiscal year, made available by the President from the Fund.

(2) FUND ADVANCES.—

(A) IN GENERAL.—To the extent that the amount described in subparagraph (B) of section 9509(c)(2) of the Internal Revenue Code of 1986 is necessary, up to a maximum of $100,000,000 for each advance, with the total amount of advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986.

(B) NOTIFICATION TO CONGRESS.—Not later than 30 days after the date on which the Coast Guard obtains an advance under subparagraph (A), the Coast Guard shall notify Congress of—

"(i) the amount advanced; and

"(ii) the facts and circumstances that necessitated the advance.

(C) REPAYMENT.—Amounts advanced under this section shall be repaid to the Fund when, and to the extent that, removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of a discharge.

(3) AVAILABILITY.—Amounts to which this subsection applies shall remain available until expended.

SEC. 5328. COST-REIMBURSABLE AGREEMENTS.

Section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712) is amended—

(1) by striking "by striking "by a Governor or designated State official" and inserting "by a State, a political subdivision of a State, or an Indian tribe, pursuant to a cost-reimbursable agreement;"

(2) by striking subsections (d) and (e) and inserting the following:

"(d) COST-REIMBURSABLE AGREEMENT.—

"(1) IN GENERAL.—In carrying out section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)(1)), the President may enter into cost-reimbursable agreements with a State, a political subdivision of a State, or an Indian tribe, pursuant to section 300 of the National Contingency Plan.

"(2) TO UPDATE.—The President may enter into cost-reimbursable agreements with a State, a political subdivision of a State, or an Indian tribe, as described in paragraph (1), to update, not less frequently than an annual basis, the quality of incident data on oil spill location, effects of such response on the environment; and corrective actions taken.

SEC. 5329. OIL SPILL RESPONSE REVIEW.

(a) IN GENERAL.—Subject to the availability of appropriations, the Commandant shall develop a program—

(1) to increase collection and improve the quality of incident data on oil spill location and response capability by periodically evaluating the data, documentation, and analysis of—

(A) Coast Guard-approved vessel response plans, including vessel response plan audits and assessments conducted under section 311(i)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1321(i)(7)); and

(B) oil spill response drills conducted under section 311(i)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1321(i)(7));

(2) to update, not less frequently than annually, information contained in the Coast Guard Response Resource Inventory and other Coast Guard tools used to document the availability and status of oil spill response equipment, so as to ensure that such information remains current.

(3) Subsection to section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"), to make data collected under paragraph (1) available to the public.

(b) POLICY.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall issue a policy—

(1) to establish processes to maintain the program under subsection (a) and support Coast Guard oil spill prevention and response efforts, including by incorporating oil spill incident data from after-action oil spill reports and data ascertained from vessel response plan exercises and audits into—

(A) review and approval process standards and metrics; and

(B) Alternative Planning Criteria (APC) review processes; and

(A) the Area Contingency Plan (ACP) development;

(B) risk assessments developed under section 70001 of title 46, United States Code, including lessons learned from reportable marine casualties;

(E) mitigating the impact of military personnel rotations in Coast Guard field units on the edge and Commandant’s oil spill response plan requirements, including knowledge relating to the evaluation of proposed alternatives to national planning requirements; and

(F) evaluating the consequences of reporting inaccurate data in vessel response plans submitted to the Commandant pursuant to paragraph (1) of title 46, Code of Federal Regulations, and submitted for storage in the Marine Information for Safety and Law Enforcement database pursuant to section 300 of that title (or any successor regulation);

(2) to standardize and develop tools, training, and other relevant guidance that may be shared with vessel owners and operators to assist with accurately calculating and measuring the performance and viability of proposed alternatives to national planning criteria; and

(3) to increase Federal Government engagement with State, local, and Tribal governments and stakeholders so as to strengthen coordination and efficiency of oil spill response;

(c) PERIODIC UPDATES.—Not less frequently than every 5 years, the Commandant shall update the processes established under subsection (b)(1) to incorporate relevant analyses of—

(1) incident data on oil spill location and response quality;

(2) oil spill risk assessments;

(3) oil spill response effectiveness and the effects of such response on the environment;

(4) oil spill response drills conducted under section 311(i)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1321(i)(7));

(5) marine casualties reported to the Coast Guard; and

(6) near miss incidents documented by a Vessel Traffic Service Center (as such terms are defined in section 70001 of title 46, United States Code).

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and...
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annually thereafter for 5 years, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the status of ongoing and planned efforts to improve the effectiveness and oversight of the vessel response system.

(2) PUBLIC AVAILABILITY.—The Commandant shall publish the report required by subparagraph (A) on a publicly accessible Internet Coast Guard website and shall post the report in writing at the United States Department of Commerce web pages and other publicly accessible locations.

SEC. 5330. REVIEW AND REPORT ON LIMITED INDEMNITY PROVISIONS IN STANDBY RESPONSE CONTRACTS

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall review existing Coast Guard contracts for standby oil spill response services to the public, including contracts entered into before the date of enactment of this Act, and publish a report identifying any such contracts that include limited indemnity provisions for oil spill response organizations. The Commandant shall notify each party to a contract that includes limited indemnity provisions for oil spill response organizations of the provisions of this section.

(b) BRIEFING.—Upon completion of the review under subsection (a), the Commandant shall provide a briefing to the Committee on Transportation and Infrastructure, the Committee on Commerce, and the Comptroller General of the United States on the extent to which the limited indemnity provisions identified under paragraph (1) have been removed from contracts in 2014.

(c) STUDY.—Not later than 2 years after the date of enactment of this Act, the Commandant shall assess the impact that the removal of limited indemnity provisions described in paragraph (3) has had on the ability of oil spill response organizations to enter into contracts described in that subsection.

SEC. 5331. ADDITIONAL EXCEPTIONS TO REGULATIONS FOR TOWING VESSELS

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation may, through the Comptroller of the Coast Guard, issue regulations that provide for an exception to the application of subchapter M of chapter I of title 46, Code of Federal Regulations (or successions thereof) for a fishing vessel while that vessel is operating as a towing vessel.

(b) REQUIREMENTS.—The regulations issued under this section shall include the following:

(1) towing boom for oil spill response; or

(2) participating in an oil response exercise; and

(3) a fishing vessel while that vessel is operating as a towing vessel.

(c) EFFECTIVE DATE.—Such regulations shall become effective not later than 6 months after the date of enactment of this Act.

(d) KEY TYPES OF DATA NEEDED TO PROPERLY SITE RENEWABLE ENERGY SITES ON THE WEST COAST.

(1) METHOD UTILIZED FOR OCEANOGRAPHIC DATA COLLECTION.

(2) METHODS USED TO MANAGE FISHING, SHIPPING, AND OTHER MARITIME ACTIVITIES.

(3) INDIAN TRIBAL CONCERNS.

(4) IMPACT OF THE PROJECT ON THE LOCAL COMMUNITY.

(5) IMPACT OF THE PROJECT ON THE LOCAL ECONOMY.

(6) IMPACT OF THE PROJECT ON THE LOCAL ENVIRONMENT.

(7) IMPACT OF THE PROJECT ON THE LOCAL HUMAN HEALTH.

(8) IMPACT OF THE PROJECT ON THE LOCAL SOCIAL SYSTEM.

(d) DETERMINATION OF THE MOST EFFECTIVE TECHNIQUES FOR MITIGATING THE IMPACT OF THE PROJECT.

(e) DETERMINATION OF THE MOST EFFECTIVE TECHNIQUES FOR COMPENSATING THE LOCAL COMMUNITY FOR THE IMPACT OF THE PROJECT.

(f) DETERMINATION OF THE MOST EFFECTIVE TECHNIQUES FOR COMPENSATING THE LOCAL ECONOMY FOR THE IMPACT OF THE PROJECT.

(g) DETERMINATION OF THE MOST EFFECTIVE TECHNIQUES FOR COMPENSATING THE LOCAL ENVIRONMENT FOR THE IMPACT OF THE PROJECT.

(h) DETERMINATION OF THE MOST EFFECTIVE TECHNIQUES FOR COMPENSATING THE LOCAL HUMAN HEALTH FOR THE IMPACT OF THE PROJECT.

(i) DETERMINATION OF THE MOST EFFECTIVE TECHNIQUES FOR COMPENSATING THE LOCAL SOCIAL SYSTEM FOR THE IMPACT OF THE PROJECT.

(j) DETERMINATION OF THE MOST EFFECTIVE TECHNIQUES FOR COMPENSATING THE LOCAL ECONOMY FOR THE IMPACT OF THE PROJECT.
than August 30, 2023, 98 percent operational availability of remote fixed facility sites.

(2) PLAN TO REDUCE OUTAGES.—
(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall develop an operations and maintenance plan for the Rescue 21 system in Alaska that anticipates maintenance needs for the Rescue 21 system outages to the maximum extent practicable.

(B) PUBLIC AVAILABILITY.—The plan required by subparagraph (A) shall be made available to the public on a publicly accessible internet website.

(3) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(A) contains a plan for the Coast Guard to notify mariners of radio outages for towers owned and operated by the Seventeenth Coast Guard District;

(B) addresses in such plan how the Seventeenth Coast Guard District—
(i) disseminate updates regarding outages on social media not less frequently than every 48 hours;

(ii) provide updates on a publicly accessible website not less frequently than every 48 hours;

(iii) develop methods for notifying mariners in areas in which cellular connectivity does not exist; and

(iv) develop and advertise a web-based communications update hub on AM/FM radio for mariners; and

(C) identifies technology gaps necessary to implement the plan and provides a budgetary assessment necessary to implement the plan.

(4) CONTINGENCY PLAN.—
(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant, in collaboration with relevant Federal and State entities (including the North Pacific Fishery Management Council, the National Oceanic and Atmospheric Administration, the National Oceanic and Atmospheric Administration Fisheries Service, the Secretary of Defense, the Secretary of State, and the National Oceanic and Atmospheric Administration Weather Service, the Comptroller General of the United States, and the National Marine Fisheries Service's permitting activities), shall establish a contingency plan to ensure that notifications of an outage of the Rescue 21 system in Alaska are broadly disseminated in advance of such outage.

(B) ELEMENTS.—The plan required by subparagraph (A) shall require the Coast Guard—
(i) to disseminate updates regarding outages on social media not less frequently than every 48 hours during an outage;

(ii) to provide updates on a publicly accessible website not less frequently than every 48 hours during an outage;

(iii) to notify mariners in areas in which cellular connectivity does not exist;

(iv) to develop and advertise a web-based communications update hub on AM/FM radio for mariners; and

(v) to identify technology gaps that need to be addressed in order to implement the plan, and to provide a budgetary assessment necessary to implement the plan.

(b) IMPROVEMENTS AND COMMUNICATION WITH THE FISHING INDUSTRY AND RELATED STAKEHOLDERS—

(1) IN GENERAL.—The Commandant, in coordination with the National Commercial Fishing Safety Advisory Committee established by section 15102 of title 46, United States Code, shall develop a publicly accessible website that contains all Coast Guard-related information relating to the fishing industry, including safety information, inspection and enforcement requirements, hazards, training, regulations (including proposed regulations), Rescue 21 system outages and similar outages, and any information regarding fishing-related activities under the jurisdiction of the Coast Guard.

(2) AUTOMATIC COMMUNICATIONS.—The Commandant shall develop regular and automatic email communications with stakeholders who elect, through the internet website developed under paragraph (1), to receive such communications.

(c) ADVANCE NOTIFICATION OF MILITARY OR OTHER EXERCISES.—In consultation with the Commandant, in collaboration with the Secretary of Defense, and commercial fishing industry participants, the Commandant shall develop and publish on a publicly available internet website a list of vessels that are covered by the relevant Federal and State entities and the operators of United States fishing vessels in advance of—

(I) military exercises in the exclusive economic zone of the United States (as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)); or

(II) other military activities that will impact recreational or commercial activities.

SEC. 5353. FISHING SAFETY TRAINING GRANTS PROGRAM

Section 609(e) of title 46, United States Code, is amended by striking “2018 through 2021” and inserting “2023 through 2025”.

SEC. 5354. LOAD LINE REQUIREMENTS

(1) EFFECT OF COVERED FISHING VESSEL.—In this section, the term “covered fishing vessel” means a vessel that operates exclusively in one, or both, of the Thirteenth and Seventeenth Coast Guard Districts and that—

(A) was constructed, under construction, or under construction as a fish tender vessel before January 1, 1980;

(B) was converted for use as a fish tender vessel before January 1, 2022; and

(C) operates as a fish tender vessel for a period of less than 180 days.

(2) APPLICATION TO CERTAIN VESSELS.—During the period beginning on the date of enactment of this Act and ending on the date that is 3 years after the date on which the report required under subsection (c) is submitted, the load line requirements under chapter 51 of title 46, United States Code, shall not apply to covered fishing vessels.

(g) REPORT.—(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report—

(A) on the safety and seaworthiness of vessels referenced in section 5102(b)(5) of title 46, United States Code; and

(B) on the implementation of such requirements under chapter 51 of title 46 of such Code.

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

(A) the number of vessels required by the requirement for vessels referenced in section 5102(b)(5) of title 46, United States Code; and

(B) an analysis of vessel casualties, mishaps, or other safety information relevant to load line requirements when a vessel is operating part-time as a fish tender vessel.

SEC. 5355. ACTIONS BY NATIONAL MARINE FISHERIES SERVICE TO INCREASE ENERGY PRODUCTIONS

SEC. 5356. DEFINITIONS.

In this subtitle:

(1) FORCED LABOR.—The term “forced labor” means any labor or service provided for or obtained by any means described in section 1589(a) of title 18, United States Code.

(2) HUMAN TRAFFICKING.—The term “human trafficking” has the meaning given the term “severe forms of trafficking in persons” in section 105 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(3) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—The term “illegal, unreported, or unregulated fishing” means such term as defined in such term in the implementing regulations or any subsequent regulations issued pursuant to section 609(e) of the High Seas Fishing Moratorium Protection Act (16 U.S.C. 1320(e)).

(4) OPPRESSIVE CHILD LABOR.—The term “oppressive child labor” has the meaning given the term “oppressive child labor” in section 4 of the Fair Labor Standards Act of 1938 (29 U.S.C. 201).

(5) SEAFOOD.—The term “seafood” means all marine animal and plant life meant for human consumption as food, including marine mammals and birds, including fish, shellfish, shelfish products, and processed fish.

(6) SEAFOOD IMPORT MONITORING PROGRAM.—The term “Seafood Import Monitoring Program” means the Seafood Traceability Program established in subpart Q of part 300
CHAPTER 1—COMBATING HUMAN TRAFFICKING THROUGH SEAFOOD IMPORT MONITORING

SEC. 5362. ENHANCEMENT OF SEAFOOD IMPORT MONITORING PROGRAM AUTOMATED COMMERCIAL ENVIRONMENT.

The Secretary, in coordination with the Commissioner of U.S. Customs and Border Protection, shall, not later than 6 months after the enactment of this Act, develop a strategy to improve the quality and verifiability of already collected Seafood Import Monitoring Program Message Set data elements in the Automated Commercial Environment system. Such strategy shall prioritize the use of enumerated data types, such as checkboxes, dropdown menus, or radio buttons, and any additional elements the Administrator of the National Oceanic and Atmospheric Administration finds appropriate.

SEC. 5363. IMPORT AUDITS.

(a) Audit Procedures.—The Secretary shall, not later than 1 year after the date of enactment of this Act, implement procedures to audit information and supporting records of sufficient numbers of imported seafood products audited under the Seafood Import Monitoring Program to support statistically robust conclusions that the samples audited are representative of all seafood imported covered by the Seafood Import Monitoring Program with respect to a given fiscal year and of the Nation’s seafood supply chain, including on vessels flagged in such nation for illegal, unreported, or unregulated fishing, particularly those involved in illegal, unreported, or unregulated fishing.

(b) AUDIT REPORT.—The Secretary shall, not later than 1 year after the date of enactment of this Act, begin the process of expanding the Seafood Import Monitoring Program with respect to a given seafood and seafood products subject to the Tariff Schedule of the United States codes, as defined in section 5361 of the Coast Guard Authorization Act of 2022, which shall not be allowed an aggregated harvest report of such species, regardless of vessel size.

SEC. 5364. IMPORT AUDITS.

(a) AUDIT REPORT.—The Secretary shall, not later than 1 year after the date of enactment of this Act, implement procedures to audit information and supporting records of sufficient numbers of imported seafood products audited under the Seafood Import Monitoring Program to support statistically robust conclusions that the samples audited are representative of all seafood imported covered by the Seafood Import Monitoring Program with respect to a given fiscal year.

(b) EXPORT OF MARINE FORENSICS LABORATORY.—The Secretary shall, not later than 1 year after the date of enactment of this Act, begin the process of expanding the Seafood Import Monitoring Program Message Set data elements in the Automated Commercial Environment system. Such strategy shall prioritize the use of enumerated data types, such as checkboxes, dropdown menus, or radio buttons, and any additional elements the Administrator of the National Oceanic and Atmospheric Administration finds appropriate.

SEC. 5365. AVAILABILITY OF FISHERIES INFORMATION.

The Administrator of the National Oceanic and Atmospheric Administration, shall, not later than 6 months after the date of enactment of this Act, begin the process of expanding the Seafood Import Monitoring Program with respect to a given seafood and seafood products subject to the Tariff Schedule of the United States codes, as defined in section 5361 of the Coast Guard Authorization Act of 2022, which shall not be allowed an aggregated harvest report of such species, regardless of vessel size.

SEC. 5366. REPORT ON SEAFOOD IMPORT MONITORING PROGRAM.

The Secretary shall, not later than 1 year after the date of enactment of this Act, provide the Committee on Finance of the Senate and the Committee on Energy and Natural Resources of the House of Representatives a report that summarizes the National Marine Fisheries Service’s efforts to prevent the importation of seafood harvested through illegal, unreported, or unregulated fishing, particularly with respect to seafood harvested, produced, or manufactured by forced labor, including feed for cultured seafood.

SEC. 5367. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Commerce, the Secretary of Transportation, and the Secretary of the Treasury to carry out this Act, not to exceed $20,000,000 for each of fiscal years 2023 through 2027.

CHAPTER 2—STRENGTHENING INTERNATIONAL FISHERIES MANAGEMENT TO COMBAT HUMAN TRAFFICKING

SEC. 5370. DENIAL OF PORT PRIVILEGES.

Section 101(a)(2) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(a)(2)) is amended—

(1) by redesignating paragraphs (4) through (13) as paragraphs (5) through (14), respectively; and

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

‘‘(4) identifying as at risk for human trafficking, including forced labor, in their seafood, and seedling and egg products by the Secretary of Commerce, the Secretary of Transportation, and the Secretary of the Treasury to carry out this Act, as described in section 300.324(d) of the Tariff Act of 1930 (19 U.S.C. 1307) $20,000,000 for each of fiscal years 2023 through 2027.’’. 
“(A) Any nation that is violating, or has violated at any point during the 3 years preceding the date of the determination, conservation and management measures, including data reporting obligations, and requirements, required under an international fishery management agreement to which the United States is a party.

(B) If that nation has been identified as producing for export to the United States seafood-related goods through forced labor or oppressive child labor as those terms are defined in section 5360 of the Maritime SAFE Act (16 U.S.C. 8033) is amended—

(1) in the matter preceding paragraph (1), by striking “as appropriate.”; and

(2) in paragraph (3), by striking “as appropriate” and inserting “for all priority regions identified by the Working Group.”

(2) The Secretary may promulgate regulations governing such measures to address illegal, unreported, or unregulated fishing, fraud, forced labor, bycatch, and other conservation measures.

SEC. 5374. TRAINING OF UNITED STATES OBSERVERS.

Section 409(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881b(b)) is amended—

(1) in paragraph (3), by striking “and” after the semicolon;

(2) by redesigning paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (5) the following:

“(c) Training of United States Observers.—The Secretary, acting in consultation with the Secretary of State, shall—

(1) notify, as soon as practicable, the President and nations that are engaged in, or that have any fishing vessels engaged in, fishing activities or practices described in the regulations of this Act, about the provisions of this Act;

(2) initiate discussions as soon as practicable with all foreign nations that are engaged in, or that have any fishing vessels engaged in, fishing activities or practices described in the regulations of this Act; and

(3) initiate the amendment of any existing international treaty for the protection and conservation of such species to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section.”.

(2) the date the Federal Communications Commission promulgates a final rule to authorize a device that marks fishing equipment to operate in radio frequencies assigned for Automatic Identification System and electronic devices to mark fishing equipment during the period beginning on the date of enactment of this Act and ending on the earlier of

(1) the date that is 2 years after such date of enactment; and

(2) the date the Federal Communications Commission promulgates a final rule to authorize a device that marks fishing equipment to operate in radio frequencies assigned for Automatic Identification System stations.

(3) regulations.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as may be necessary to carry out this title.

(3) Use of Devices Broadcasting on AIS for Purposes of Marking Fishing Gear.

The Secretary of the department in which the Coast Guard is operating shall, within the Eleventh Coast Guard District, Thirteenth Coast Guard District, Fourteenth Coast Guard District, and Seventeenth Coast Guard District, suspend enforcement of individual using automatic identification system devices to mark fishing gear during the period beginning on the date of enactment of this Act and ending on the earlier of

(1) the date that is 2 years after such date of enactment; and

(2) the date the Federal Communications Commission promulgates a final rule to authorize a device that marks fishing equipment to operate in radio frequencies assigned for Automatic Identification System stations.

(4) Support for Coast Guard Workforce

Title V—Support for Coast Guard Workforce

Subtitle A—Support for Coast Guard Members and Families

(1) Multi-year Coastal and Marine Resource Related International Cooperation Agreements and Projects.

(2) Multi-year Capacity-Building Projects for Implementing Measures to Address Illegal, Unreported, or Unregulated Fishing, Fraud, Forcibly Landed, Bycatch, and Other Conservation Measures.

(3) Capacity Building for Foreign Fisheries.

(a) In General.—The Secretary of Commerce, in consultation with the heads of other Federal agencies, as appropriate, shall develop and carry out with partner governments and civil society—

(i) any multi-year coastal and marine resource related international cooperation agreements and projects; and

(ii) any multi-year capacity-building projects for implementing measures to address illegal, unreported, or unregulated fishing, fraud, forcibly landed, bycatch, and other conservation measures.

(b) Procurement of Services of Children.

(1) in paragraph (1), by striking “as appropriate.”; and

(2) in paragraph (3), by striking “as appropriate” and inserting “for all priority regions identified by the Working Group.”

(3) Family Discount for Child Development Services.

(1) Multi-year coastal and marine resource related international cooperation agreements and projects; and

(2) multi-year capacity-building projects for implementing measures to address illegal, unreported, or unregulated fishing, fraud, forcibly landed, bycatch, and other conservation measures.

(3) Capacity Building for Foreign Fisheries.

(a) In General.—The Secretary of Commerce, in consultation with the heads of other Federal agencies, as appropriate, shall develop and carry out with partner governments and civil society—

(i) any multi-year coastal and marine resource related international cooperation agreements and projects; and

(ii) any multi-year capacity-building projects for implementing measures to address illegal, unreported, or unregulated fishing, fraud, forcibly landed, bycatch, and other conservation measures.
that is 15 percent less than the amount of the fee otherwise chargeable for the attendance of the first such child enrolled at the center, or another fee as the Commandant determines appropriate, consistent with multiple children.”.

(b) Child Development Center Standards and Inspections.—Section 2923(a) of title 14, United States Code, is amended to read as follows:

“(a) Standards.—The Commandant shall require each Coast Guard child development center to meet standards of operation—

“(1) that the Commandant considers appropriate to ensure the health, safety, and welfare of the children and employees at the center;

“(2) necessary for accreditation by an appropriate national early childhood programs accrediting entity;”.

(c) Child Care Subsidy Program.—

(1) Authorization.—

(A) In general.—Subchapter II of chapter 29 of title 14, United States Code, is amended by adding at the end the following:

“(2927. Child care subsidy program

“(a) Authority.—The Commandant may operate a child care subsidy program to provide financial assistance to eligible providers that provide child care services or youth program services to members of the Coast Guard, members of the Coast Guard with dependents who are participating in the child care program, and any other individual the Commandant considers appropriate, if—

“(1) providing such financial assistance—

“(A) is in the best interests of the Coast Guard; and

“(B) enables supplementation or expansion of the provision of Coast Guard child care services or youth program services, while not supplanting or replacing Coast Guard child care services; and

“(2) the Commandant ensures, to the extent practicable, that the eligible provider is able to comply, and does comply, with the regulations, policies, and standards applicable to Coast Guard child care services.

“(b) Eligible providers.—A provider of child care services or youth program services is eligible for financial assistance under this section if the provider—

“(1) is a qualified provider of such services under applicable State and local law;

“(2) is registered in an au pair program of the Department of State;

“(3) is a family home daycare; or

“(4) is a provider of family child care services that—

“(A) otherwise provides federally funded or federally sponsored child development services;

“(B) provides such services in a child development center owned and operated by a private, not-for-profit organization;

“(C) provides a before-school or after-school child care program in a public school facility;

“(D) conducts an otherwise federally funded or federally sponsored school-age child care or youth services program;

“(E) conducts a school-age child care or youth services program operated by a not-for-profit organization;

“(F) provides in-home child care, such as a nanny or an au pair; or

“(G) is a provider of another category of child care services or youth program services the Commandant considers appropriate for meeting the needs of members of civilian employees of Coast Guard.

“(c) Authorization.—There are authorized to be appropriated such sums as necessary to carry out this section.

“(d) Appropriations.—

“(1) In general.—In carrying out a child care subsidy program under subsection (a), subject to paragraph (3), the Commandant shall provide financial assistance under the program to an eligible member or individual the Commandant considers appropriate by directly paying the full member or individual through monthly pay, direct deposit, or other direct form of payment.

“(2) Policy.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall establish a policy to provide direct payment as described in paragraph (1).

“(3) Eligible provider funding continuation.—With the approval of an eligible member or an individual the Commandant considers appropriate, which shall include the written consent of such member or individual, the Commandant may continue to provide financial assistance under the child care subsidy program directly to an eligible provider on behalf of such member or individual.

“(4) Rule of construction.—Nothing in this subsection may be construed to affect any preexisting reimbursement arrangement between the Coast Guard and a qualified provider.”.

(b) Clerical Amendment.—The analysis for chapter 29 of title 14, United States Code, is amended by inserting after the item relating to section 2926 the following:

“2927. Child care subsidy program.”

(c) Expansion of Child Care Subsidy Program.—

(1) In general.—The Commandant shall—

“(A) evaluate potential eligible uses for the child care subsidy program established under section 2927 of title 14, United States Code (referred to in this paragraph as the “program”); and

“(B) expand the eligible uses of funds for the program to accommodate the child care needs of members of the Coast Guard (including such members with nonstandard work hours or other direct employment cycles), including by providing funds directly to such members instead of care providers.

(2) Considerations.—In evaluating potential eligible uses under subparagraph (A), the Commandant shall consider such factors as—

“(i) are in the best interests of the Coast Guard;

“(ii) provide flexibility for eligible members and individuals the Commandant considers appropriate, including such members and individuals with nonstandard work hours; and

“(iii) ensure a safe environment for dependents of such members and individuals.

(3) Eligible provider funding continuation.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report outlining the expansion of the program.

(b) Considerations.—The report required by clause (2) shall include the following:

(1) An analysis of the considerations described in subparagraph (B).

(II) A description of the analysis used to identify eligible uses that were evaluated and incorporated into the manual under subparagraph (D).

(III) The results and analysis and justification with respect to the forms of care that were ultimately not included in the manual.

(IV) Any recommendation with respect to funding or additional administrative resources necessary, including proposals for legislative change, to meet the current and anticipated future child care subsidy demands of the Coast Guard.

SEC. 5402. ARMED FORCES ACCESS TO COAST GUARD CHILD CARE FACILITIES.

Section 2922(a) of title 14, United States Code, is amended to read as follows:

“(a) The Commandant may establish an armed forces access to Coast Guard child care facility, if such child care facility is operated by a provider of another category of child care service or youth program service that—

“(A) is in the best interests of the Coast Guard;

“(B) enables supplementation or expansion of the provision of Coast Guard child care services or youth program services, while not supplanting or replacing Coast Guard child care services; and

“(C) is operated by a provider of another category of child care service or youth program service that—

“(1) is in the best interests of the Coast Guard;

“(2) is registered in an au pair program of the Department of State;

“(3) is a family home daycare;

“(4) is a provider of family child care services that—

“(A) otherwise provides federally funded or federally sponsored child development services;

“(B) provides such services in a child development center owned and operated by a private, not-for-profit organization;

“(C) provides a before-school or after-school child care program in a public school facility;

“(D) conducts an otherwise federally funded or federally sponsored school-age child care or youth services program;

“(E) conducts a school-age child care or youth services program operated by a not-for-profit organization;

“(F) provides in-home child care, such as a nanny or an au pair; or

“(G) is a provider of another category of child care services or youth program services the Commandant considers appropriate for meeting the needs of members of civilian employees of Coast Guard.”

(2) Expansion of Child Care Subsidy Program.—

(1) In general.—The Commandant shall—

“(A) evaluate potential eligible uses for the child care subsidy program established under section 2927 of title 14, United States Code (referred to in this paragraph as the “program”); and

“(B) expand the eligible uses of funds for the program to accommodate the child care needs of members of the Coast Guard (including such members with nonstandard work hours or other direct employment cycles), including by providing funds directly to such members instead of care providers.

(b) Considerations.—In evaluating potential eligible uses under subparagraph (A), the Commandant shall—

“(i) are in the best interests of the Coast Guard;

“(ii) provide flexibility for eligible members and individuals the Commandant considers appropriate, including such members and individuals with nonstandard work hours; and

“(iii) ensure a safe environment for dependents of such members and individuals.

(c) Appropriations.—In establishing expanding the child care subsidy program, the Commandant shall ensure that such uses—

“(1) are in the best interests of the Coast Guard;

“(2) provide flexibility for eligible members and individuals the Commandant considers appropriate, including such members and individuals with nonstandard work hours; and

“(3) ensure a safe environment for dependents of such members and individuals.

(d) Notification.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report outlining the expansion of the program required by subsection (a).

SEC. 5403. CADET PREGNANCY POLICY IMPROVEMENTS.

(a) Regulations required.—Not later than 18 months after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the development of the regulations required by this subsection.

(b) Briefing.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the development of the regulations required by subsection (a).

SEC. 5404. COMBAT-RELATED SPECIAL COMPENSATION.

(a) Report and Briefing.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until the date that is 5 years after the date on which the initial report is submitted under this subsection, the Commandant shall submit a report and provide an in-person briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the implementation of section 221 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 114-198; 10 U.S.C. 205a note).

(b) Elements.—Each report and briefing required by subsection (a) shall include the following:

(1) A description of methods to educate members and retirees on the combat-related special compensation program.

(2) Statistics regarding implementation in such program for members of the Coast Guard and Coast Guard retirees.
(3) A summary of each of the following:
(A) Activities carried out relating to the education of members of the Coast Guard participating in the Transition Assistance Program to the combat-related special compensation program.
(B) Activities carried out relating to the education of members of the Coast Guard who are engaged in missions in which they are susceptible to injuries that may result in qualification for combat-related special compensation, including flight school, the National Security Cutter School, deployable specialized forces, and other training programs as the Commandant considers appropriate.
(C) Activities carried out relating to training physicians and physician assistants employed by the Coast Guard, or otherwise stationed in Coast Guard clinics, sickbays, or other locations at which medical care is provided to members of the Coast Guard, for the purpose of ensuring, during medical examinations or appropriate counseling and documentation of symptoms, injuries, and the associated incident that resulted in such injuries.
(D) Activities relating to the notification of health service officers with respect to the combat-related special compensation program.
(E) The written guidance provided to members of the Coast Guard regarding necessary recordkeeping to ensure eligibility for benefits under such program.
(F) Any other matter relating to combat-related special compensation the Commandant considers appropriate.

(c) STRATEGIC PLAN FOR THE COAST GUARD.—The Commandant shall—
(1) in general.—The Commandant shall develop a detailed plan to implement the recommendations of the study conducted under subsection (a).
(2) review and update the standards not less frequently than every 4 years.

SEC. 5422. HEALTHCARE SYSTEM REVIEW AND STRATEGIC PLAN.
(a) In General.—Not later than 270 days after the completion of the studies conducted by the Comptroller General of the United States under sections 8259 and 8260 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 4679), the Commandant shall—
(1) review and update the standards not less frequently than every 4 years.
(5) REPORT TO COMMANDANT.—Not later than 1 year after the Review Committee is established, the Review Committee shall submit to the Commandant a report that—

(A) contains a review of the existing behavioral health policy for members of the Coast Guard and their dependents including time between requests for appointments and actual appointments, including appointments made with referral services;

(B) identifies recommendations to improve the Coast Guard healthcare system and system to improve data collection on access to care;

(C) evaluates the effects of increased surge deployments of medical personnel on staffing needs at Coast Guard clinics;

(D) identifies ways to improve access to care for members of the Coast Guard and their dependents who are stationed in remote areas, including methods to expand access to care for members of the Coast Guard in the available network of Coast Guard owned facilities, military treatment facilities, and vendor contracts; and

(E) identifies ways to improve the Coast Guard healthcare system and staff ratios.

(6) TERMINATION.—The Review Committee shall terminate on the date that is 30 days after the date on which the Review Committee submits the report required by paragraph (5).


(b) INTERIM BEHAVIORAL HEALTH POLICY.—

(1) PUBLICATION.—Not later than 60 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(A) the strategic plan for the Coast Guard medical system required by subsection (a); and

(B) the report of the Review Committee submitted to the Commandant under subsection (c)."
(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 25 of title 14, United States Code, is amended by adding at the end the following: “2015. Members suffering post-traumatic stress disorder or traumatic brain injury.

SEC. 5428. EXPANSION OF POSTGRADUATE OPPORTUNITIES FOR MEMBERS OF THE COAST GUARD IN MEDICAL AND RELATED FIELDS.

(a) IN GENERAL.—The Commandant shall expand opportunities for members of the Coast Guard to secure postgraduate degrees in medical and related professional disciplines for the purpose of supporting Coast Guard clinics and operations.

(b) MILITARY TRAINING STUDENT LOADS.—Sec. 4909(b) of title 14, United States Code, is amended by striking “550” and inserting “350”.

SEC. 5429. STUDY ON COAST GUARD TELLMEDICINE PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study on the Coast Guard telemedicine program.

(b) ELEMENTS.—The study required by subsection (a) shall include the following: (1) An assessment of— (A) the current capabilities and limitations of the Coast Guard telemedicine program; (B) the degree of integration of such program with existing electronic health records; (C) the capability and accessibility of such program, including as compared to the capability and accessibility of the telemedicine programs of the Department of Defense and commercial medical providers; and (D) the manner in which the Coast Guard telemedicine program may be expanded to provide better clinical and behavioral medical services to members of the Coast Guard, including such members stationed at remote units or onboard Coast Guard cutters at sea; and (E) the costs savings associated with the provision of— (i) care through telemedicine; and (ii) preventative care.

(2) An identification of barriers to full use or expansion of such program.

(3) A description of the resources necessary to expand such program to its full capability.

SEC. 5430. EXPANSION OF ACCESS TO COUNSELING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall take, train, and deploy no fewer than an additional 5 behavioral health specialists.

(b) REQUIREMENT.—Through the hiring process required by subsection (a), the Commandant shall ensure that at least 35 percent of behavioral health specialists employed by the Coast Guard have experience in behavioral health-related activities supporting members of the Coast Guard with needs for perinatal mental health care and counseling services for miscarriage, child loss, and postpartum depression.

(c) ACCESSIBILITY.—The support provided by the behavioral health specialists described in subsection (a) may include— (1) care delivered via telemedicine; and (2) care provided to members of the Coast Guard.

SEC. 5427. EXPANSION OF ACCESS TO COUNSELING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall ensure, train, and deploy no fewer than an additional 5 behavioral health specialists.

(b) REQUIREMENT.—Through the hiring process required by subsection (a), the Commandant shall ensure that at least 35 percent of behavioral health specialists employed by the Coast Guard have experience in behavioral health-related activities supporting members of the Coast Guard with needs for perinatal mental health care and counseling services for miscarriage, child loss, and postpartum depression.

SEC. 5426. EXPANSION OF ACCESS TO COUNSELING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall ensure, train, and deploy no fewer than an additional 5 behavioral health specialists.

(b) REQUIREMENT.—Through the hiring process required by subsection (a), the Commandant shall ensure that at least 35 percent of behavioral health specialists employed by the Coast Guard have experience in behavioral health-related activities supporting members of the Coast Guard with needs for perinatal mental health care and counseling services for miscarriage, child loss, and postpartum depression.

SEC. 5425. EXPANSION OF ACCESS TO COUNSELING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall ensure, train, and deploy no fewer than an additional 5 behavioral health specialists.

(b) REQUIREMENT.—Through the hiring process required by subsection (a), the Commandant shall ensure that at least 35 percent of behavioral health specialists employed by the Coast Guard have experience in behavioral health-related activities supporting members of the Coast Guard with needs for perinatal mental health care and counseling services for miscarriage, child loss, and postpartum depression.

SEC. 5424. EXPANSION OF ACCESS TO COUNSELING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall ensure, train, and deploy no fewer than an additional 5 behavioral health specialists.

(b) REQUIREMENT.—Through the hiring process required by subsection (a), the Commandant shall ensure that at least 35 percent of behavioral health specialists employed by the Coast Guard have experience in behavioral health-related activities supporting members of the Coast Guard with needs for perinatal mental health care and counseling services for miscarriage, child loss, and postpartum depression.
submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the strategy.

(d) REMOTE UNIT DEFINED.—In this section, the term "remote unit" means a unit located in an area in which members of the Coast Guard and their dependents are eligible for TRICARE Prime Remote.

SEC. 5442. STUDY ON COAST GUARD HOUSING ACCESS, COST, AND CHALLENGES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall commence a study on housing access, cost, and associated challenges facing members of the Coast Guard.

(b) REPORT.—Not later than 90 days after the commencement of the audit under subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

SEC. 5443. STRATEGY TO IMPROVE QUALITY OF LIFE AT REMOTE UNITS.

(a) IN GENERAL.—Not more than 180 days after the date of the enactment of this Act, the Commandant shall develop a strategy to improve the quality of life for members of the Coast Guard and their dependents who are stationed in remote units.

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

(1) Methods to improve the availability or affordability of housing options for members of the Coast Guard and their dependents through—

(A) Coast Guard-owned housing;

(B) Coast Guard-facilitated housing; or

(C) basic allowance for housing adjustments to rates that are more competitive for members of the Coast Guard seeking privately owned or privately rented housing.

(2) Methods to improve access by members of the Coast Guard and their dependents to—

(A) cultural, dental, and pediatrics care; and

(B) behavioral health care that is covered under the TRICARE program (as defined in section 1072 of title 10, United States Code).

(3) Methods to improve access to child care services, including recommendations for increasing child care capacity and opportunities for care within the Coast Guard and in the private sector.

(4) Methods to improve non-Coast Guard network internet access at remote units—

(A) to improve communications between families and members of the Coast Guard on active duty; and

(B) for other purposes such as education and training.

(5) Methods to support spouses and dependents who face challenges specific to remote locations.

(6) Any other matter the Commandant considers appropriate.

(c) BRIEFING.—Not later than 180 days after the strategy required by subsection (a) is completed, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the strategy.

SEC. 5444. AUDIT OF CERTAIN MILITARY HOUSING CONDITIONS OF ENLISTED MEMBERS OF THE COAST GUARD IN KEY WEST, FLORIDA.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Comptroller General with the Secretary of the Navy, shall commence the conduct of an audit to assess—

(1) the conditions of housing units of enlisted members of the Coast Guard located at Naval Air Station Key West Sigsbee Park Annex;

(2) the percentage of those units that are unsafe or unhealthy housing units for enlisted members of the Coast Guard and their families;

(3) the process used by enlisted members of the Coast Guard and their families to report housing concerns;

(4) the extent to which enlisted members of the Coast Guard and their families who experience unsafe or unhealthy housing units incur relocation, per diem, or similar expenses as a direct result of displacement that are not covered by a landlord, insurance, or claims process and the feasibility of providing reimbursement for uncovered expenses; and

(5) what is needed to provide appropriate and safe living quarters for enlisted members of the Coast Guard and their families in Key West, Florida.

(b) REPORT.—Not later than 90 days after the commencement of the audit under subsection (a), the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the audit.

(c) DEFINITIONS.—In this section—

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation of the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives.

(2) PRIVATIZED MILITARY HOUSING.—The term "privatized military housing" means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

(3) UNSAFE OR UNHEALTHY HOUSING UNIT.—The term "unsafe or unhealthy housing unit" means a unit of privatized military housing in which is present, at levels exceeding national standards or guidelines, at least one of the following hazards:

(A) Physiological hazards, including the following:

(i) Dampness or microbial growth.

(ii) Lead-based paint.

(iii) Asbestos or manmade fibers.

(iv) Ionizing radiation.

(v) Biodetergents.

(iv) Volatile organic compounds.

(vi) Infection agents.

(ix) Fine particulate matter.

(B) Psychological hazards, including the following:

(i) Ease of access by unlawful intruders.

(ii) Lighting issues.

(iii) Poor ventilation.

(iv) Safety hazards.

(v) Other hazards similar to the hazards specified in clauses (i) through (iv).

SEC. 5445. STUDY ON COAST GUARD HOUSING AUTHORITIES AND PRIVATIZED HOUSING.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study—

(A) to evaluate the authorities of the Coast Guard relating to construction, operation, and maintenance of housing provided to members of the Coast Guard and their dependents; and

(B) to assess other options to meet Coast Guard housing needs in urban housing markets, including public-private partnerships, long-term lease agreements,
privately owned housing, and any other housing option the Comptroller General identifies.

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

(A) A review of authorities, regulations, and policies available to the Secretary of the department in which the Coast Guard is operating (referred to in this section as the "Secretary") with respect to construction, maintenance, and operation of housing for members of the Coast Guard and their dependents, including unaccompanied member housing, that considers—

(i) housing that is owned and operated by the Coast Guard;

(ii) long-term leasing or extended-rental housing;

(iii) public-private partnerships or other privatized housing options for which the Secretary may enter into 1 or more contracts with a private entity to build, maintain, and operate privatized housing for members of the Coast Guard and their dependents;

(iv) on-installation and off-installation housing options, and the availability of, and authorities relating to, such options; and

(v) housing availability near Coast Guard units, readiness needs, and safety.

(B) A review of the housing-related authorities, regulations, and policies available to the Secretary of Defense, and an identification of the differences between such authorities afforded to the Secretary of Defense and the housing-related authorities, regulations, and policies afforded to the Secretary.

(C) A description of lessons learned or recommendations for the Coast Guard based on the use by the Department of Defense of private partners, including the recommendations set forth in the report of the Government Accountability Office entitled "Privatized Military Housing: Update on DOD’s Approach to Oversight Challenges" (GAO–22–105866), issued in March 2022.

(D) An assessment of the extent to which the Secretary has used the authorities provided in subchapter IV of chapter 169 of title 10, United States Code.

(E) An analysis of immediate and long-term options associated with housing owned and operated by the Coast Guard, as compared to opportunities for long-term leases, privatized housing, and other public-private partnerships or other related remote locations.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (a).

(4) BRIEFING.—Not later than 180 days after the date on which the report required by subsection (b) is submitted, the Commandant or the Secretary shall provide a briefing to the appropriate committees of Congress on—

(a) the actions the Commandant has, or has not, taken with respect to the results of the study;

(b) a plan for addressing areas identified in the report that present opportunities for improving the housing options available to members of the Coast Guard and their dependents; and

(c) the need for, or potential manner of use of, any authorities the Coast Guard does not have with respect to housing, as compared to the Department of Defense.

(5) AUTHORIZATION TO ADVISE.—The activities authorized under this section include—

(a) the development of recommendations relating to construction, maintenance, and operation of housing for members of the Coast Guard and their dependents, including unaccompanied member housing, that considers—

(i) housing that is owned and operated by the Coast Guard;

(ii) long-term leasing or extended-rental housing;

(iii) public-private partnerships or other privatized housing options for which the Secretary may enter into 1 or more contracts with a private entity to build, maintain, and operate privatized housing for members of the Coast Guard and their dependents;

(iv) on-installation and off-installation housing options, and the availability of, and authorities relating to, such options; and

(v) housing availability near Coast Guard units, readiness needs, and safety.

(b) a plan for improving emergency preparedness and emergency supplies for Coast Guard units; and

(c) a process for periodic reviews and engagement with Coast Guard units to ensure the availability of emergency supplies.

(6) IMPLEMENTATION.—If the Secretary of Defense declares a national emergency, the Secretary of Defense shall, after consultation with the Secretary of the Treasury, determine that:

(a) the emergency constitutes a national emergency that affects the safety, security, or economic interests of the United States;

(b) the response required by law, requirements authorized under sections 1360, 1362, and 1388 of title 46, United States Code, is, or was, in operation in the internal waters of the United States or on the high seas;

(c) the response requires the use of privately owned vessels, and any other response that requires the use of, or assistance by, a vessel; and

(d) there is a need for the Secretary of the Treasury to advise the Secretary of Defense concerning the availability of vessels that meet the requirements of subsection (a) and (b).

(7) AUTHORIZATION.—Nothing in this section shall be construed to authorize the Secretary of the Treasury to—

(a) make direct payments to a vessel owner for the use of a vessel on a voyage incidental to the national goal authorized by subsection (a) or (b); or

(b) waive or modify applicable laws and regulations under sections 33 and 46 of the United States Code, except to the extent authorized under section 102(b)(2).
Representatives a final report regarding an assessment of the execution of the pilot program and implications for maintaining navigation safety, the safety of maritime workers, and the protection of the environment.

(1) GAO REPORT.—

(1) In general.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the state of autonomous and remote technologies in the operation of shipboard equipment and the safe and secure navigation of vessels in Federal waters of the United States.

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

(A) An assessment of commercially available autonomous and remote technologies in the operation of shipboard equipment and the safe and secure navigation of vessels during the 10 years immediately preceding the date of the report.

(B) An analysis of the safety, physical security, cyber security, and collision avoidance risks associated with autonomous and remote technologies in the operation of shipboard equipment and the safe and secure navigation of vessels, including environmental considerations.

(C) An assessment of the impact of such autonomous and remote technologies, and all associated technologies, on labor, including:

(i) roles for credentialed and noncredentialed workers regarding such autonomous, remote, and associated technologies; and

(ii) training and workforce development needs associated with such technologies.

(D) An assessment and evaluation of regulatory requirements necessary to guide the development of future autonomous, remote, and associated technologies in the operation of shipboard equipment and safe and secure navigation of vessels.

(E) An assessment of the extent to which such technologies are being used in other countries and how such countries have regulated such technologies.

(F) Recommendations regarding authorizations, infrastructure, and other requirements necessary for the implementation of such technologies in the United States.

(3) CONSULTATION.—The report required under paragraph (1) shall include, at a minimum, consultation with the maritime industry.

(A) vessel operators, including commercial carriers, entities engaged in exploring for, developing, or producing resources, including non-mineral energy resources in its offshore areas, and supporting entities in the maritime industry;

(B) shipboard personnel impacted by any changes to autonomous vessel operations, in order to assess the various benefits and risks associated with the implementation of autonomous, remote, and associated technologies in the operation of shipboard equipment and safe and secure navigation of vessels and the impact such technologies would have on maritime jobs and maritime manpower;

(C) relevant federally funded research institutions, non-governmental organizations, and academia.

(4) REPORT REQUIREMENTS.—In this section:

(I) MERCHANT MARiner CREDENTIAL.—The term ‘‘merchant mariner credential’’ means a merchant mariner license, certificate, or document that the Secretary issues pursuant to section 30501, United States Code.

(II) term ‘‘Secretary’’ means the Secretary of the department in which the Coast Guard is operating.

SEC. 5005. EXONERATION AND LIMITATION OF LIABILITY FOR SMALL PASSENGER VESSELS.

(a) RESTRUCTURING.—Chapter 305 of title 46, United States Code, is amended—

(1) by inserting before section 30501 the following:

‘‘Subchapter I—General Provisions’’;

(2) by inserting before section 30503 the following:

‘‘Subchapter II—Exoneration and Limitation of Liability’’;

and

(3) by redesigning sections 30503 through 30512 as sections 30521 through 30530, respectively.

(b) DEFINITIONS.—Section 30501 of title 46, United States Code, is amended to read as follows:

‘‘§ 30501. Definitions

‘‘In this chapter:

‘‘(1) COVERED SMALL PASSENGER VESSEL.—

The term ‘‘covered small passenger vessel’’ means a vessel of less than 150 passengers on any overnight domestic voyage; and

(2) the promulgation of regulations to establish specific inspection fees for such vessels.

SEC. 5507. CERTAIN HISTORIC PASSENGER VESSELS.

(a) REPORT ON COVERED HISTORIC VESSELS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report evaluating the practicability of the application of section 3306(n)(3)(A)(v) of title 46, United States Code, to covered historic vessels.

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

(A) An assessment of the compliance, as of the date on which the report is issued, in accordance with paragraph (1), of covered historic vessels with section 3306(n)(3)(A)(v) of title 46, United States Code.

(B) An assessment of the safety record of covered historic vessels.

(C) An assessment of the risk, if any, that modifying the requirements under section 3306(n)(3)(A)(v) of title 46, United States Code, would meaningfully improve safety of passengers and crew in a manner that is both feasible and economically practicable.

(D) An evaluation of the practical feasibility of the compliance of covered historic vessels with such section 3306(n)(3)(A)(v) and whether that compliance would meaningfully improve safety of passengers and crew in a manner that is both feasible and economically practicable.

(E) Any recommendations to improve safety in addition to, or in lieu of, such section 3306(n)(3)(A)(v).

(F) Any other recommendations as the Comptroller General determines are appropriate with respect to the applicability of such section 3306(n)(3)(A)(v) to covered historic vessels.

(G) An assessment to determine if covered historic vessels could be provided an exemption from such section 3306(n)(3)(A)(v) and what changes to legislative or rulemaking requirements, including modifications to section...
SEC. 5509. COAST GUARD DIGITAL REGISTRATION SYSTEM.

Section 12204(a) of title 46, United States Code, is amended—

(1) by striking “shall be pocketsized,”; and
(2) by striking “, and may be valid” and inserting “, and may be valid and in-
serting a hard copy or digital form. The certificate shall be valid”.

SEC. 5509. RESPONSES TO SAFETY RECOMMENDATIONS.

(a) In General.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

“§ 721. Responses to safety recommendations

“(a) In General.—Not later than 1 year after initiating the review to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Comptroller General shall submit the results from this study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) Certification of inspection.—The term “certificate of inspection” means a certificate of inspection under chapter M of title 46, Code of Federal Regulations.

(c) Certified towed vessels.—The term “certified towed vessel” means a vessel issued a Certificate of Inspection.

SEC. 5512. ALTERNATE SAFETY COMPLIANCE PROGRAM EXEMPTION FOR CERTAIN VESSELS.

Section 4506(a) of title 46, United States Code, is amended—

(1) by redesignating subsections (d) through (f) as subsections (e) through (g), re-
spectively; and
(2) by inserting after subsection (c) the following:

“(d) Subsection (a) shall not apply to a ves-

sel that—

“(1) is 79 feet or less in length as listed on the vessel’s certificate of documentation or certificate of number; and
“(2) is not a vessel certified for no engine room watch setting under a cap-

ture required by subsection (a) to Congress in accordance with such subsection.

SEC. 5510. COMPTROLLER GENERAL OF THE UNITED STATES STUDY AND REPORT ON THE COAST GUARD’S OVERSIGHT OF THIRD PARTY ORGANIZATIONS.

(a) In General.—The Comptroller General of the United States shall initiate a review, not later than 1 year after the date of enactment of this Act, that assesses the Coast Guard’s oversight of third party organizations.

(b) Elements.—The study required under subsection (a) shall analyze the following:

(1) Coast Guard utilization of third party organizations in its prevention mission, and the extent the Coast Guard plans to increase such use to enhance prevention mission per-
formance, including resource utilization and specialized expertise.

(2) The extent the Coast Guard has as-

sessed the potential risks and benefits of using third party organizations to support prevention missions.

(3) The extent the Coast Guard provides

oversight of third party organizations au-

thorized to support prevention mission ac-

tivities.

(c) Report.—The Comptroller General shall submit the results from this study not later than 1 year after initiating the review to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 5511. ARTICULATED TUG-BARGE MANNING.

(a) In General.—The Coast Guard and the Commandant of the Coast Guard shall, not later than 1 year after the date of enactment of this Act, initiate a review in accordance with such subsection.

(b) Effect.—The Coast Guard and the Comman-
dant shall submit to the Senator for the State in which the vessel is homeport a report that includes the extent the Coast Guard plans to increase the number of officers in charge of a tug, and the extent the Coast Guard plans to increase the number of qualified and experienced crew on board.

(c) Consultation.—In completing the re-

view required under subsection (a)(1), the Coast Guard may consult with—

(1) the National Transportation Safety Board;
(2) the Coast Guard; and
(3) the maritime industry, including rel-
evant federally funded research institutions, nongovernmental organizations, and aca-
demia.

(d) Extension for covered historic ves-
sels.—The captain of a port may waive the requirements of section 3306(n)(3)(A)(v) of title 46, United States Code, with respect to covered historic vessels for not more than 2 years after the date of submission of the re-
port required under subsection (a) to Congress in accordance with such subsection.

(e) Savings Clause.—Nothing in this sec-
tion shall limit any authority available, as of the date of enactment of this Act, to the cap-
tain with respect to safety measures or any other authority as nec-

essary for the safety of covered historic ves-
sels.

(f) Notice to Passengers.—A covered his-
toric vessel that receives a waiver under sub-
section (c) shall, beginning on the date on which the requirements under section 3306(n)(3)(A)(v) of title 46, United States Code, take effect, provide a prominently dis-
played notice on its website, ticket counter, and each ticket for passengers that the ves-

sel is exempt from meeting the Coast Guard safety compliance standards concerning egress as provided for under such section.

(g) Definition of covered historic ves-
sels.—In this section, the term “covered historic vessel” means the following:

(1) American Eagle (Official Number 225015).
(2) Angelique (Official Number 623562).
(3) Heritage (Official Number 6405561).
(4) J & E Riggins (Official Number 226422).
(5) Lautona (Official Number 222228).
(6) Lewis R. French (Official Number 013801).
(7) Mary Day (Official Number 288714).
(8) Stephen Taber (Official Number 115409).
(9) Mary Day (Official Number 288714).
(10) Grace Bailey (Official Number 085754).
(11) Mercantile (Official Number 214388).
(12) Mistress (Official Number 509004).

SEC. 5521. DEFINITION OF A STATELESS VESSEL.

Section 70502(d)(1) of title 46, United States Code, is amended—

(1) by striking “shall be pocketsized,”; and
(2) by striking “, and may be valid” and inserting “, and may be valid and in-

serting a hard copy or digital form. The certificate shall be valid”.

SEC. 5522. REPORT ON ENFORCEMENT OF COAST-
WISE LAWS.

Not later than 1 year after the date of en-
actment of this Act, the Commandant shall submit to Congress a report describing any changes to the enforcement of paragraphs 121 and 551 of title 46, United States Code, as a result of the amendments to section 4(a)(1) of the Outer Continental Shelf Lands Act (36 U.S.C. 801 et seq.) and section 703 of the William M. (Mac) Thornberry National De-


SEC. 5523. STUDY ON MULTI-LEVEL SUPPLY CHAIN SECURITY STRATEGY OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study that evaluates the efforts of the Department of Homeland Security with respect to securing vessels and maritime cargo bound for the United States from national security related risks and threats.

(b) Elements.—The study required under sub-
section (a) shall assess the following:

(1) Programs that comprise the maritime strategy of the Department of Homeland Security for securing vessels and maritime cargo bound for the United States, and that have no other claim of nationality or registry under paragraph (1) or (2) of subsection (e).

(2) The extent to which the components of the Department of Homeland Security re-

sponsible for maritime security issues have implemented leading practices in collabora-

tion.
(3) The extent to which the Department of Homeland Security has assessed the effectiveness of its maritime security strategy.


(c) Report.—Not later than 1 year after initiating the study under subsection (a), the Comptroller General of the United States shall submit the results of the study to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security and Governmental Affairs of the House of Representatives.

SEC. 5524. STUDY TO MODERNIZE THE MERCHANT MARINER LICENSING AND DOCUMENTATION SYSTEM.

(a) In General.—Not later than 90 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, a report on the financial, human, and information technology infrastructure resources needed to establish an electronic merchant mariner licensing and documentation system.

(b) Legislative and Regulatory Suggestions.—In the report submitted in accordance with subsection (a) shall include recommendations for such legislative or administrative actions as the Commandant determines necessary to establish the electronic merchant mariner licensing and documentation system described in subsection (a) as soon as possible.

(c) GAO Report.—

(1) Finding.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Commandant, shall prepare and submit a report to Congress that evaluates the current processes, as of the date of enactment of this Act, of the National Maritime Center for processing and approving merchant mariner credentials.

(2) Contents of Evaluation.—The evaluation conducted under paragraph (1) shall include—

(A) an analysis of the effectiveness of the current merchant mariner credentialing process, as of the date of enactment of this Act;

(B) an analysis of the backlogs relating to the merchant mariner credentialing process and the reasons for such backlogs; and

(C) recommendations for improving and expediting the merchant mariner credentialing process.

(d) Definition of Merchant Mariner Credential.—In this subsection, the term ‘‘merchant mariner credential’’ means a merchant mariner license, certificate, or document that the Secretary of the Department in which the Coast Guard is operating shall—

(1) issue pursuant to title 46, United States Code.

SEC. 5525. STUDY AND REPORT ON DEVELOPMENT AND MAINTENANCE OF MARINER RECORDS DATABASE.

(a) Study.—

(1) In General.—The Secretary, in coordination with the Commandant and the Administrator of the Maritime Administration and the Commander of the United States Transportation Command, shall conduct a study to the national benefits and feasibility of developing and maintaining a Coast Guard database that—

(A) contains records with respect to each credential issued, including credential validity, drug and alcohol testing results, and information on any final adjudicated agency action involving a credentialed mariner or regarding any involvement in a marine casualty; and

(B) maintains such records in a manner such that the United States Coast Guard, the Federal Government for the purpose of assessing workforce needs and for the purpose of the economic and national security of the United States.

(2) Elements.—The study required under paragraph (1) shall—

(A) include an assessment of the resources, including information technology, and authorities necessary to develop and maintain the database described in such paragraph; and

(B) specifically address the protection of the privacy interests of any individuals whose information may be contained within the database, which shall include limiting access to the database or having access to the database be monitored by, or accessed through, a member of the Coast Guard.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study under subsection (a), including findings, conclusions, and recommendations.

(1) CREDENTIALED MARINER.—The term ‘‘credentialed mariner’’ means an individual with whom the Coast Guard is operating.

(2) CONTENTS OF EVALUATION.—The evaluation conducted under paragraph (1) shall include—

(A) a review of the effectiveness of the current merchant mariner credentialing process, as of the date of enactment of this Act;

(B) an analysis of the backlogs relating to the merchant mariner credentialing process and the reasons for such backlogs; and

(C) recommendations for improving and expediting the merchant mariner credentialing process.

(3) DEFINITION OF MERCHANT MARINER CREDENTIAL.—In this subsection, the term ‘‘merchant mariner credential’’ means a merchant mariner license, certificate, or document that the Secretary of the Department in which the Coast Guard is operating shall—

(a) in general.—The Secretary of the Department in which the Coast Guard is operating shall conduct an assessment to determine the resources, including personnel and computing resources, required to—

(A) reduce the amount of time necessary to process merchant mariner credentialing applications to not more than 2 weeks after the date of receipt; and

(B) develop and maintain an electronic merchant mariner credential application system.

(b) Briefing Required.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall—

(A) issue a briefing to the committees on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives with the results of the assessment required under subsection (a).

(c) Definition.—In this section, the term ‘‘merchant mariner credential application’’ means a credential application for a merchant mariner license, certificate, or document that the Secretary is authorized to issue pursuant to title 46, United States Code.

SEC. 5526. ASSESSMENT REGARDING APPLICATION PROCESS FOR MERCHANT MARINER CREDENTIALS.

(a) In General.—The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations of the House of Representatives a report on the results of the study under subsection (a), including findings, conclusions, and recommendations.

(b) DEFINITION.—The term ‘‘Secretary’’ means the Secretary of the Department in which the Coast Guard is operating.

(c) MODIFICATION OF SEA SERVICE REQUIREMENTS FOR MERCHANT MARINER CREDENTIALS FOR VETERANS AND MEMBERS OF THE UNIFORMED SERVICES.—

(1) DEFINITIONS.—In this subsection:

(A) MERCHANT MARINER.—The term ‘‘merchant mariner credential’’ has the meaning given in section 7510 of title 46, United States Code.

(B) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the Department in which the Coast Guard is operating.

(C) UNIFORMED SERVICES.—The term ‘‘Uniformed Services’’ has the meaning given in section 2101 of title 5, United States Code.

(2) REVIEW AND REGULATIONS.—Notwithstanding any other provision of law, not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) review and examine—

(i) the requirements and procedures for veterans and members of the Uniformed Services to receive a merchant mariner credential;

(ii) the classifications of sea service acquired through training and service as a member of the Uniformed Services and level of equivalence to sea service on merchant vessels;

(iii) the amount of sea service, including percent of the total time onboard for purposes of equivalence to sea service, that will be accepted as required experience for all endorser places for applicants for a merchant mariner credential who are veterans or members of the Uniformed Services;

(B) provide the availability for a fully internet-based application process for a merchant mariner credential, to the maximum extent practicable; and

(C) issue new regulations to—

(i) reduce paperwork, delay, and other burdens for applicants for a merchant mariner credential who are veterans or members of the Uniformed Services, and, if determined to be appropriate, increase the acceptable percentages of time equivalent to sea service for such applicants; and

(ii) reduce burdens and create a means of alternative compliance to demonstrate instructor competency for Standards of Training, Certification and Watchkeeping for Seafarers courses.

(3) CONSULTATION.—In carrying out paragraph (2), the Secretary shall consult with the National Merchant Marine Personnel Advisory Committee taking into account the present and future needs of the United States Merchant Marine labor workforce.

(4) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, regarding the results of the study conducted in accordance with section 7510 of title 46, United States Code,
shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Armed Services of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Armed Services of the House of Representatives, a report that contains an update on the activities carried out to improve the law:

(A) the July 2020 report by the Committee on the Marine Transportation System to the White House Office of Trade and Manufacturing Policy on the implementation of Executive Order 13860 (84 Fed. Reg. 8407; relating to supporting the transition of active duty military members and military veterans into the Merchant Marine); and


SECTION 5609. FLOATING DRY DOCKS.

Section 5512(a)(2) of title 46, United States Code, is amended—

(1) in paragraph (1)(C), by striking "(C)" and inserting "(O)"; and

(2) by inserting at the end the following:

"(ii) a letter of intent for purchase by such shipyard or affiliate signed prior to such date of enactment; and;

(2) in subsection (d), by inserting "or occurs between Honolulu, Hawaii, and Pearl Harbor, Hawaii" before the period at the end.

TITLe LVI—SEXUAL ASSAULT AND SEXUAL HARASSMENT PREVENTION AND RESPONSE

SEC. 5601. DEFINITIONS.

(a) IN GENERAL.—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (45) through (54) as paragraphs (47) through (56), respectively; and

(2) by inserting after paragraph (44) the following:

"(45) 'sexual assault' means any form of abuse or contact as defined in chapter 109A of title 18, or a substantially similar offense under a State law;";

(3) by redesignating paragraphs (47) through (56) as paragraphs (48) through (56), respectively; and

(4) by striking "sexual harassment" and inserting "sexual harassment or sexual assault as grounds for denial;"

(b) CLERICAL AMENDMENT.—The analysis of every individual on the vessel;

(c) SUBMISSION.—Upon completion of the assessment under this section, the National Academy of Sciences shall submit the assessment to the department in which the Coast Guard is operating, in collaboration with the Secretary of Defense, shall assess the use of the ShipBridge program of the Department of Defense as a means for transitioning active duty sea service personnel toward employment as a merchant mariner.

SEC. 5602. CONVICTED SEX OFFENDER AS GROUNDS FOR DENIAL.

(a) IN GENERAL.—Chapter 75 of title 46, United States Code, is amended, by adding at the end the following:

"§ 7511. Convicted sex offender as grounds for denial

"(a) SEXUAL ABUSE.—A license, certificate of registry, or merchant mariner's document authorized to be issued under this part shall be denied to an individual who has been convicted of a sexual offense prohibited under—

"(1) chapter 109A of title 18, except for subsection (b) of section 2244 of title 18; or

"(2) a substantially similar offense under a State law; or

"(3) a substantially similar offense under a Tribal law.

(b) ABUSIVE SEXUAL CONTACT.—A license, certificate of registry, or merchant mariner's document authorized to be issued under this part shall be denied to an individual who has been convicted of a sexual offense prohibited under—

"(1) chapter 109A of title 18, except for subsection (b) of section 2244 of title 18; or

"(2) a substantially similar offense under a State law, local, or Tribal law.

(c) SUBMISSION.—The analysis for chapter 75 of title 46, United States Code, is amended, by adding at the end the following:

"§7511. Convicted sex offender as grounds for denial;"

SEC. 5603. ACCOMMODATION, NOTICES.

Section 12112 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking "and" and inserting a semicolon;

(B) in paragraph (4), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(2) each crew berthing area shall be equipped with information regarding—

"(A) vessel owner or company policies prohibiting sexual assault, sexual harassment, retaliation, and drug and alcohol use;";

SEC. 5604. PROTECTION AGAINST DISCRIMINATION.

Section 2114(a) of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (B) through (G) as subparagraphs (C) through (H), respectively; and

(B) by inserting after subparagraph (A) the following:

"(2) in subsection (d), by adding at the end the following:

"(ii) had a letter of intent for purchase by such shipyard or affiliate signed prior to such date of enactment; and;

(2) Section 4105 of title 46, United States Code, is amended—

(A) in subsections (b)(1) and (c), by striking "section 2101(51)A" and inserting "section 2101(53)"; and

(B) in subsection (d), by striking "section 2101(51)A" and inserting "section 2101(53)A".

(3) Section 1313(a)(1)(E) of title 49, United States Code, is amended by striking "section 2101(46)" and inserting "116".

SEC. 5605. ALCOHOL AT SEA.

(a) IN GENERAL.—The Commandant shall seek to enter into an agreement with the National Academy of Sciences not later than 1 year after the date of the enactment of this Act under which the National Academy of Sciences shall perform an assessment to determine safe levels of alcohol consumption and possession by crew members aboard vessels of the United States engaged in commerce, except when such possession is associated with the commercial sale to individuals aboard the vessel who are not crew members.

(b) ASSESSMENT.—The assessment under this section shall—

(1) take into account the safety and security of every individual on the vessel; and

(2) take into account reported incidences of sexual harassment or sexual assault, as defined in section 2101 of title 46, United States Code; and

(3) provide any appropriate recommendations for any changes to laws, including regulations, or employer policies.

SEC. 5606. SUBMISSION OF ASSESSMENT.

(a) IN GENERAL.—The Commandant shall submit a report to the National Academy of Sciences on the assessment under this section, the National Academy of Sciences shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Commandant, and the Secretary of the department in which the Coast Guard is operating.

(b) REGULATIONS.—The Commandant shall promulgate regulations to implement the recommendations of the assessment under this section by not later than 180 days after receiving the assessment under subsection (c); and

(c) taking into account the safety and security of every individual on vessels of the Coast Guard National Command Center, in order to report allegations of sexual assault or sexual harassment; and

(d) on vessel owner or company policies prohibiting sexual assault, sexual harassment, retaliation, and drug and alcohol use.
United States engaged in commercial service, may issue regulations relating to alco-
hol consumption on such vessels.
(e) REPORT REQUIRED.—If, by the date that is 2 years after the receipt of the assessment
under subsection (c), the Commandant does not issue regulations under subsection (d), the Commandant shall provide a report by such date to the appropriate committees of Congress—
(1) regarding the rationale for not issuing such regulations; and
(2) including other recommendations as necessary to ensure safety at sea.

SEC. 5606. SEXUAL HARASSMENT OR SEXUAL ASSAULT AS GROUNDS FOR SUSPENSION OR REVOCATION.
(a) IN GENERAL.—Chapter 77 of title 46, United States Code, is amended by inserting after section 7704 the following:

"§7704a. Sexual harassment or sexual assault as grounds for suspension and revocation.
"(a) SEXUAL HARASSMENT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner's document issued under this part, within 10 years before the beginning of the suspension and revocation proceedings, is the subject of a substantiated claim of sexual harassment or sexual assault as defined by the Coast Guard that it is more likely than not that the individual committed sexual harassment or sexual assault in violation of any Federal, State, local, or Tribal law or regulation and for which all appeals have been ex-
hausted, as applicable; or
"(b) SEXUAL ASSAULT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner's document issued under this part, within 20 years before the beginning of the suspension and revocation proceedings, is the subject of a substantiated claim of sexual assault, then the license, certificate of registry, or merchant mariner's document shall be suspended or revoked.

"(c) SUBSTANTIATED CLAIM.—
"(1) IN GENERAL.—In this section, the term 'substantiated claim' means—
"(A) a legal proceeding or agency action in any administrative proceeding that deter-
moves the individual committed sexual har-
assment or sexual assault in violation of any Federal, State, local, or Tribal law or regula-
tion and for which all appeals have been ex-
hausted, as applicable; or
"(B) an investigation after an investigation by the Coast Guard that it is more likely than not that the individual committed sexual harassment or sexual assault as defined in section 2101, by an administrative law judge at the same suspension or revocation hearing under this chapter described in subsection (a) or (b).

(b) CLERICAL AMENDMENT.—The analysis for chapter 77 of title 46, United States Code, is amended by inserting after the item relating to section 7704 the following:

"7704a. Sexual harassment or sexual assault as grounds for suspension or revocation.

SEC. 5007. SURVEILLANCE REQUIREMENTS.
(a)/notification of any administrative proceeding that deter-
moves the individual committed sexual har-
assment or sexual assault in violation of any Federal, State, local, or Tribal law or regula-
tion and for which all appeals have been ex-
hausted, as applicable; or
"(c) LIMITED ACCESS TO VIDEO AND AUDIO SURVEILLANCE EQUIPMENT.—
"(1) IN GENERAL.—The owner of a vessel to which this section applies shall maintain a video surveillance system in accordance with this section.

SEC. 5608. MASTER KEY CONTROL.
(a) IN GENERAL.—Chapter 71 of title 46, United States Code, is amended by adding after the item relating to chapter 71 the following:

"§3106. Master key control system.
"(a) IN GENERAL.—The owner of a vessel subject to inspection under section 3301 shall—
"(1) ensure that such vessel is equipped with a vessel master key control system, manual or electronic, which provides con-
trolled access to all copies of the vessel's master key of which access shall only be available to the individuals described in paragraph (2).
"(2) A list shall be established by the owner of the vessel, in the manner ensuring the visibility of every door in each such passageway.

"(b) PROHIBITED USE.—A crew member not included on the list described in subsection (a) shall not have access to or use the master key unless in an emergency and shall im-
mEDIATELY notify the master and owner of the vessel following access or use of such key.

"(c) PENALTY.—Any crew member who viol-
ates subsection (b) shall be liable to the United States Government for a civil penalty of not more than $1,000, and may be subject to suspension or revocation under section 7704.

(b) CLERICAL AMENDMENT.—The analysis for chapter 71 of title 46, United States Code, is amended by adding at the end the following:

"3106. Master key control system.

SEC. 5609. SAFETY MANAGEMENT SYSTEMS.
Section 3203 of title 46, United States Code, is amended—
(1) in subsection (a)—
"(A) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively; and
"(B) by inserting after paragraph (4) the following:
"(c) SEXUAL HARASSMENT OR SEXUAL ASSAULT, PROCEDURES AND ANNUAL TRAIN-
ING REQUIREMENTS.—Section 3606(a)(2) and the log book required under section 3106(a)(3);"
Sec. 5610. REQUIREMENT TO REPORT SEXUAL ASSAULT AND HARASSMENT.

Section 10104 of title 14, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

(a) IN GENERAL.—Before embarking on or while on board a vessel, a vessel owner, master, manager, operator, or employer of the vessel shall report to the Commandant in accordance with section 3205 of title 14, United States Code, a self-administered sexual assault forensic examination performed onboard; coordination with law enforcement and the preservation of evidence; the means of accessing a sexual assault forensic examination and medical care with a restricted report of sexual assault; the availability of nonprescription pregnancy prophylactics; and other unique military considerations.

(c) INQUIRER.—The Commandant shall periodically perform an audit or other systematic review of the submissions made under this section to determine if the vessels failed to comply with the requirements of this section.

Sec. 5611. ACCESS TO CARE AND SEXUAL ASSAULT FORENSIC EXAMINATIONS.

(a) IN GENERAL.—Before embarking on or while on board a vessel, a vessel owner, master, manager, operator, or employer of the vessel shall report to the Commandant in accordance with section 3205 of title 14, United States Code, a self-administered sexual assault forensic examination performed onboard; coordination with law enforcement and the preservation of evidence; the means of accessing a sexual assault forensic examination and medical care with a restricted report of sexual assault; the availability of nonprescription pregnancy prophylactics; and other unique military considerations.

(b) AUDITS.—The Commandant may require the submission of reports under this section for the purpose of conducting audits or systematic reviews of vessels and inspectors under section 10104 of title 14, United States Code.

(c) INQUIRER.—The Commandant shall periodically perform an audit or other systematic review of the submissions made under this section to determine if the vessels failed to comply with the requirements of this section.
(ii) the ability to properly identify, document, and preserve any evidence relevant to the allegation of sexual assault; and

(iii) the applicable criminal procedural laws relating to evidence, chain of custody, and any other matter relating to evidentiary admissibility; and

(B) provide the Commandant with appropriate recommendations for changes to existing laws, regulations, or employer policies.

(3) REPORT.—Upon completion of the study under subsection (a), the National Academy of Sciences shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Secretary of the department in which the Coast Guard is operating a report on the findings of the study.

(c) CEREMONIAL AMENDMENT.—The analysis for subsection IV of chapter 101 of title 46, United States Code, as amended by section 5211, is further amended by adding at the end the following:

"§ 10105. Reports to Congress

"(a) In General.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report to include—

"(1) the number of reports received under section 10104;

"(2) the number of completed investigations under such section; and

"(3) a statistical analysis of compliance with the sexual assault management system criteria under section 3203;

"(4) the number of assessments or audits conducted under section 3203 and the outcome of those assessments or audits;

"(5) a statistical analysis of compliance with the safety management system criteria under section 3203;

"(6) the number of credentials denied or revoked due to sexual harassment, sexual assault, or other offenses covered by section 920, 920c, or 930 of title 10, United States Code (article 120, 120c, or 130 of the Uniform Code of Military Justice) to request an immediate change of station or a unit transfer. The final policy shall be updated not later than 1 year after the date of the enactment of this Act;

SEC. 5614. SEX OFFENSES AND PERSONNEL RECORDS.

Not later than 180 days after the date of the enactment of this Act, the Commandant shall issue final regulations or policy guidance required to fully implement section 1745 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 1561 note).

SEC. 5615. STUDY ON COAST GUARD OVERSIGHT AND INVESTIGATIONS.

(a) In General.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study to assess the oversight over Coast Guard activities, including investigations, personnel management, whistleblower protection, and other activities carried out by the Department of Homeland Security Office of Inspector General.

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

(1) An analysis of the ability of the Department of Homeland Security Office of Inspector General to ensure timely, thorough, complete, and appropriate oversight over the Coast Guard, including oversight over both civilian and military activities.

(2) An assessment of—

(A) the best practices with respect to such oversight; and

(B) the ability of the Department of Homeland Security Office of Inspector General and the Commandant to identify and achieve such best practices.

(3) An analysis of the methods, standards, and processes employed by the Department of Defense Office of Inspector General and the inspectors generals of the armed forces (as defined in section 101 of title 10, United States Code), other than the Coast Guard, to conduct oversight and investigation activities.

(4) An analysis of the methods, standards, and processes of the Department of Homeland Security Office of Inspector General with respect to oversight over the civilian and military activities conducted by the Coast Guard (as defined in section 101 of title 10, United States Code), other than the Coast Guard, to conduct oversight and investigation activities.

(5) An assessment of the extent to which the Coast Guard can complete investigations or other disciplinary measures after referral of complaints from the Department of Homeland Security Office of Inspector General.

(6) A description of the staffing, expertise, training, and other resources of the Department of Homeland Security Office of Inspector General, and an assessment as to whether such staffing, expertise, training, and other resources meet the requirements necessary for meaningful, timely, and effective oversight over the Coast Guard.

(c) REPORT.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study, including recommendations with respect to oversight over Coast Guard activities.

(d) OTHER REVIEWS.—The study required by subsection (a) shall include any assessments or other analyses conducted by any other entity, including recommendations with respect to oversight over Coast Guard activities.

SEC. 5616. STUDY ON SPECIAL VICTIMS' COUNSEL.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall enter into an agreement with a federally funded research and development center for the conduct of a study on—

(1) the Special Victims' Counsel program of the Coast Guard;

(2) Coast Guard investigations of sexual assault; and

(3) the effectiveness of cases subject to the subject of the investigation is no longer under jeopardy for the alleged misconduct for reasons including the death of the accused, a lapse in statute of limitations for the alleged offense, and a fully adjudicated criminal trial of the alleged offense in which all appeals have been exhausted; and

(b) ELEMENTS.—The study required by subsection (a) shall assess the following:

(1) The Special Victims' Counsel program of the Coast Guard, including training, effectiveness, capacity to handle the number of cases referred, and experience with cases involving members of the armed forces and members of another armed force (as defined in section 101 of title 10, United States Code).

(2) The experience of Special Victims' Counsel in representing the Coast Guard during a court-martial.

(3) Policies concerning the availability and detailing of Special Victims' Counsel for sexual assault allegations, in particular such allegations in which the accused is a member of another armed force (as defined in section 101 of title 10, United States Code), and the impact that the cross-service relationship had on—

(A) the competence and sufficiency of services provided to the alleged victim; and

(B) the interaction between—

(i) the investigating agency and the Special Victims' Counsel; and

(ii) the prosecuting entity and the Special Victims' Counsel.

(4) Training provided to, or made available for, Special Victims' Counsel and paralegals with respect to Department of Defense procedures for conducting sexual assault investigations and Special Victims' Counsel representation of sexual assault victims.

(5) The ability of Special Victims' Counsel to conduct investigations independently without undue influence from third parties, including the command of the accused, the command of the victim, the Judge Advocate General of the Coast Guard, and the Judge Advocate General of the Coast Guard.

(6) The skill level and experience of Special Victims' Counsel, as compared to special counsel available to members of the Army, Navy, Air Force, Marine Corps, or Space Force.

(7) Policies regarding access to an alternate Special Victims' Counsel, if requested by the member of the Coast Guard concerned, and potential improvements for such policies.

(c) REPORT.—Not later than 180 days after entering into an agreement under subsection (a), the federally funded research and development center shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) the findings of the study required by that subsection;

(2) recommendations to improve the coordination, training, and experience of Special Victims' Counsel of the Coast Guard so as to improve outcomes for members of the Coast Guard; and

(3) the effectiveness of cases subject to the...
Coast Guard who have reported sexual assault; and
(3) any other recommendation the federal- ly funded research and development center considering the designations.

TITLE LVII—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subtitle A—National Oceanic and Atmospheric Administration Commissioned Officer Corps

SEC. 5701. DEFINITIONS.

Section 212(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3022(b)) is amended by adding at the end the following:

‘‘§ 241.—Section 241(a)(1) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3022(a)) is amended by striking ‘‘may not be given’’ and inserting the following: ‘‘may’’—

‘‘(1) be given only to an individual who is a citizen of the United States; and

‘‘(2) not be given—

SEC. 5702. REPEAL OF REQUIREMENT TO PROVIDE AWARDS AFTER 3 YEARS OF SERVICE.

(a) IN GENERAL.—Section 223 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3022(c)) is amended to read as follows:

‘‘SEC. 223. SEPARATION OF ENSIGNS FOUND NOT FULLY QUALIFIED.

‘‘If an officer in the permanent grade of ensign is at any time found not fully qualified, the officer’s commission shall be revoked and the officer shall be separated from the commissioned service.’’.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ‘‘An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes’’ (Public Law 107–372) is amended by striking the item relating to section 223 and inserting the following:

‘‘Sec. 223. Separation of ensigns found not fully qualified.’’

SEC. 5703. AUTHORITY TO PROVIDE AWARDS AND DECORATIONS.

(a) IN GENERAL.—Subtitle A of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

‘‘SEC. 220. AWARDS AND DECORATIONS.

‘‘The Under Secretary may provide ribbons, medals, badges, trophies, and similar devices to members of the commissioned officer corps of the Administration and to members of other uniformed services for service and achievement in support of the mission of the Administration.’’.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ‘‘An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes’’ (Public Law 107–372) is amended by inserting after the item relating to section 220 the following:

‘‘Sec. 220. Awards and decorations.’’

SEC. 5704. RETIREMENT AND SEPARATION.

(a) DEFINITIONS.—In this section:

‘‘(1) RETIREMENT FOR AGCR.—Section 243(a) of that Act (33 U.S.C. 3043(a)) is amended by striking ‘‘be retired’’ and inserting ‘‘be retired or separated’’ (as specified in section 1251(e), relating to personnel and leave)’’.

(b) RETIREMENT OR SEPARATION BASED ON YEARS OF CREDITABLE SERVICE.—Section 243(a) of that Act (33 U.S.C. 3043(a)) is amended—

(1) by redesigning paragraphs (17) through (26) as paragraphs (18) through (27), respectively; and

(2) by inserting after paragraph (16) the following:

‘‘(17) Section 1251(e), relating to retirement or separation based on years of creditable service.’’.

SEC. 5705. IMPROVING PROFESSIONAL MARINER STAFFING.

(a) IN GENERAL.—Subtitle E of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

‘‘SEC. 265B. SHORE LEAVE FOR PROFESSIONAL MARINERS.

‘‘(a) IN GENERAL.—The Under Secretary may prescribe regulations relating to shore leave for professional mariners without regard to the requirements of section 6305 of title 5, United States Code.

(b) REQUIREMENTS.—The regulations prescribed under subsection (a) shall—

‘‘(1) require that a professional mariner serving aboard an ocean-going vessel be granted a leave of absence of four days per pay period; and

‘‘(2) provide that a professional mariner serving in a temporary promotion position aboard a vessel may be paid the difference between the mariner’s temporary and permanent rates of pay for leave accrued while serving in the temporary promotion position.’’.

‘‘(c) PROFESSIONAL MARINER DEFINED.—In this section, the term ‘professional mariner’ means an individual employed on a vessel of the Administration who has the necessary expertise to serve in the engineering, deck, steward, or survey department.

SEC. 5706. LEGAL ASSISTANCE.

Subsection (a) of section 1044(a)(3) of title 10, United States Code, is amended by adding—

(1) a new subsection (A) at the end of section 1044(a)(3) of title 10, United States Code, to read as follows:

‘‘(A) except as provided by subparagraph (B), be entered on the retired list; or

‘‘(B) if the officer is not qualified for retirement, be separated from service; and’’.

(2) CONTRACTS.—In carrying out paragraph (1), the Under Secretary shall negotiate and enter into 1 or more contracts or other agreements, to the extent practicable and necessary, with 1 or more governmental, commercial, or nongovernmental entities.

SEC. 5707. ACQUISITION OF AIRCRAFT FOR EXTREME WEATHER RECONNAISSANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—The Under Secretary $1,800,000,000, without fiscal year limitation, for the acquisition of the aircraft under paragraph (1).

(b) ACQUISITION OF AIRCRAFT TO REPLACE THE WP–3D AIRCRAFT.—

(1) IN GENERAL.—Not later than September 30, 2023, the Under Secretary shall enter into a contract for the acquisition of 6 aircraft to replace the WP–3D aircraft that provides for—

‘‘(A) the first newly acquired aircraft to be fully operational before the retirement of the last WP–3D aircraft operated by the National Oceanic and Atmospheric Administration; and

‘‘(B) the second newly acquired aircraft to be fully operational not later than 1 year after the first such aircraft is required to be fully operational under subparagraph (A).

(2) AUTHORIZATION OF Appropriations.—There is authorized to be appropriated to the Under Secretary $1,800,000,000, without fiscal year limitation, for the acquisition of the aircraft under paragraph (1).

SEC. 5708. REPORT ON PROFESSIONAL MARINER STAFFING MODELS.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the committees specified in subsection (b) a report on staffing issues relating to professional mariners within the Office of Marine and Aviation Operations of the National Oceanic and Atmospheric Administration.

(b) ELEMENTS.—The report required by subsection (a) shall include consideration of—

‘‘(1) the challenges the Office of Marine and Aviation Operations faces in recruiting and retaining qualified professional mariners;

‘‘(2) workforce planning efforts to address those challenges; and

‘‘(3) other models or approaches that exist, or are under consideration, to provide incentives for the retention of qualified professional mariners.

(c) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

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

‘‘(2) the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives.

(d) PROFESSIONAL MARINER DEFINED.—In this section, the term ‘professional mariner’ means an individual employed on a vessel of the National Oceanic and Atmospheric Administration who has the necessary expertise to serve in the engineering, deck, steward, or survey department.

Subtitle B—Other Matters

SEC. 5711. CONVEYANCE TO AID HOMEOWNERS AND TENANTS OF MODERNIZED FLOOD INSURANCE.

(a) DEFINITIONS.—In this section—

‘‘(1) CITY.—The term ‘City’ means the City and Borough of Juneau, Alaska.’’
(2) MASTER PLAN.—The term "Master Plan" means the Juneau Small Ship Cruise Infrastructure Master Plan released by the docks and Harbors Board and Port of Juneau for public availability on or before March 21, 2023.

(3) PROPERTY.—The term "Property" means the parcel of real property consisting of approximately 2.4 acres, including tidelands, that is located on Government Street in the City, and under administrative custody and control of the National Oceanic and Atmospheric Administration and located at 230 Egan Drive, Juneau, Alaska, including any improvements thereon that are not authorized or required by another provision of law to be conveyed to a specific individual or entity.

(4) CONCLUSION.—"Secretary" means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

(b) CONVEYANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may convey, at fair market value, all right, title, and interest of the United States in and to the Property, subject to subsection (c) and the requirements of this section.

(2) TERMINATION AUTHORITY.—The authority provided by paragraph (1) shall terminate on the date that is 3 years after the date of enactment of this Act.

(c) RIGHT OF FIRST REFUSAL.—The City shall have the right of first refusal with respect to the purchase, at fair market value, of the Property.

(d) SURVEY.—The exact acreage and legal description of the Property shall be determined by a survey satisfactory to the Secretary.

(e) CONDITION; QUIET CLAIM DEED.—If the Property is conveyed under this section, the Property shall be conveyed—

(1) in an "as is, where is" condition; and

(2) via a quiet claim deed.

(f) FAIR MARKET VALUE.—

(1) IN GENERAL.—The fair market value of the Property shall be—

(A) determined by an appraisal that—

(i) is conducted by an independent appraiser selected by the Secretary; and

(ii) meets the requirements of paragraph (2); and

(B) adjusted, at the Secretary's discretion, to reflect the unique circumstances of the Property.

(g) TITLE.—

(1) AFTER CONVEYANCE.—An individual or entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out on or after the date and time of the conveyance of the Property.

(2) LIABILITIES.—

(A) AFTER CONVEYANCE.—An individual or entity to which a conveyance is made under this section shall be responsible to the United States, a right to access and use the Property that—

(i) is compatible with the Master Plan; and

(ii) authorizes future operational access to, and use by the City, Federal, State, and local governments that have customarily used the Property.

(B) LIABILITY.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate and reasonable to protect the interests of the United States.

(3) ADDITIONAL TERMS AND CONDITIONS.—The conveyance authorized under this section shall be subject to a reservation providing, or an easement granting, the Secretary, at no cost to the United States, a right to access and use the Property that—

(1) is compatible with the Master Plan; and

(2) authorizes future operational access to, and use by the City, Federal, State, and local governments that have customarily used the Property.

(3) remain available until expended, without further appropriation.

(1) MARKET VALUE.—If the City exercises its right of first refusal under subsection (c), before finalizing a conveyance to the City under this section, the Secretary and the City shall enter into a memorandum of agreement to establish the terms under which the Secretary shall have future access to, and use of, the Property to accommodate the reasonable expectations of the Secretary for future operational and logistical needs in southeast Alaska.

(2) RESERVATION FOR EASEMENT FOR ACCESS AND USE.—The conveyance authorized under this section shall be subject to a reservation providing, or an easement granting, the Secretary, at no cost to the United States, a right to access and use the Property that—

(A) is compatible with the Master Plan; and

(B) authorizes future operational access to, and use by the City, Federal, State, and local governments that have customarily used the Property.

(3) LIABILITY.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate and reasonable to protect the interests of the United States.

(4) ENVIRONMENTAL COMPLIANCE.—Nothing in this section may be construed to affect or limit the application of or obligation to comply with any applicable environmental law, including—

A. the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or


C. CONVEYANCE NOT A MAJOR FEDERAL ACTION.—A conveyance under this section shall not be considered a major Federal action for purposes of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

TITLE LIX—TECHNICAL, CONFORMING, AND CLARIFYING AMENDMENTS

SEC. 5801. TECHNICAL CORRECTION.

Section 319(b) of title 14, United States Code, is amended by striking "section 531 of the Balanced Budget and Emergency Deficit Control Act of 2012 (49 U.S.C. 40101 note)" and inserting "section 4881 of title 49".
Sec. 5204. Definitions.

Sec. 5203. Short title.

Sec. 5202. Accelerating innovation at Coop- erative Institutes.

Sec. 5201. Repeal.

Sec. 5108. No additional funds authorized.

Sec. 5107. Blue Economy valuation.

Sec. 5106. Accelerating innovation at Coop- erative Institutes.


Sec. 5104. Modifications to the ocean explo- ration program of the National Oceanic and Atmospheric Ad- ministration.

Sec. 5103. Repeal.

Sec. 5102. Data collection and dissemina- tion.

Sec. 5101. Short title.


Sec. 5098. Health MAP.

Sec. 5097. Reports to Congress.

Sec. 5096. Authorization of appropriations.

Sec. 5095. Definitions.

Sec. 5094. Ocean Policy Committee.


Sec. 5092. Short title.

Sec. 5091. Short title.

Sec. 5090. Data collection and dissemina- tion.

Sec. 5089. Stranding or entanglement re- search, monitoring, and management.

Sec. 5088. Short title.

Sec. 5087. Marine Mammal Rescue and Re- sponse Grant Program and Rapid Response Fund.

Sec. 5086. Authorization of appropriations.

Sec. 5085. Marine Mammal Tissue Bank and tissue analysis.

Sec. 5084. Marine Mammal Rescue and Re- sponse Grant Program and Rapid Response Fund.

Sec. 5083. Definitions.

Sec. 5082. Authorization of appropriations.

Sec. 5081. Short title.

Sec. 5080. Data collection and dissemina- tion.

Sec. 5079. Marine Mammal Tissue Bank and tissue analysis.

Sec. 5078. Marine Mammal Rescue and Re- sponse Grant Program and Rapid Response Fund.

Sec. 5077. Health MAP.

Sec. 5076. Reports to Congress.

Sec. 5075. Authorization of appropriations.

Sec. 5074. Definitions.

Sec. 5073. Establishment of fire weather services program.

Sec. 5072. Establishment of fire weather services program.

Sec. 5071. National Oceanic and Atmospheric Administration data manage- ment.

Sec. 5070. Digital fire weather services and data management.

Sec. 5069. High-performance computing.

Sec. 5068. Government Accountability Office report on fire weather services program.

Sec. 5067. Fire weather forecast.

Sec. 5066. Fire weather forecast.

Sec. 5065. Fire weather surveys and assess- ments.

Sec. 5064. Incident Meteorologist Service.

Sec. 5063. Allocated surface observing sys- tem.

Sec. 5062. Emergency response activities.


Sec. 5054. Amendments to Infrastructure In- vestment and Jobs Act relating to wildfire mitigation.

Sec. 5053. Wildfire technology modernization program.

Sec. 5052. Wildfire technology modernization program.

Sec. 5051. Cooperation; coordination; sup- port to non-Federal entities.

Sec. 5050. International coordination.

Sec. 5049. Submission to Congress regarding the fire weather services pro- gram, incident meteorologist workforce needs, and National Wildlife Service workforce sup- port.


Sec. 5047. Fire weather rating system.

Sec. 5046. Avoidance of duplication.

Sec. 5045. Authorization of appropriations.

Sec. 5044. Establishment of fire weather services improvement Act of 1998.

Sec. 5043. Data collection and dissemina- tion.

Sec. 5042. Stranding or entanglement re- search, monitoring, and management.

Sec. 5041. Unusual mortality event activity funding.

Sec. 5040. National Marine Mammal Tissue Bank and tissue analysis.

Sec. 5039. Marine Mammal Rescue and Re- sponse Grant Program and Rapid Response Fund.

Sec. 5038. Health MAP.

Sec. 5037. Reports to Congress.

Sec. 5036. Authorization of appropriations.

Sec. 5035. Definitions.

Sec. 5034. Study on marine mammal mor- tality.

Sec. 5033. Volcanic Ash and Fumes.

Sec. 5032. Volcano Early Warning and Monitoring System.

Sec. 5031. Volcanic Ash and Fumes.

Sec. 5030. Volcano Early Warning and Monitoring System.

Sec. 5029. Volcanic Ash and Fumes.

Sec. 5028. Volcano Early Warning and Monitoring System.

Sec. 5027. Volcanic Ash and Fumes.

Sec. 5026. Volcano Early Warning and Monitoring System.

Sec. 5025. Volcanic Ash and Fumes.

Sec. 5024. Volcano Early Warning and Monitoring System.

Sec. 5023. Volcanic Ash and Fumes.

Sec. 5022. Volcano Early Warning and Monitoring System.

Sec. 5021. Volcanic Ash and Fumes.

Sec. 5020. Volcano Early Warning and Monitoring System.
“(7) monitoring and responding to severe bleaching or mortality events, disease outbreaks, invasive species outbreaks, and significant maritime accidents, including chemical spill cleanup and the removal of grounded vessels; “(8) conducting scientific research that contributes to the understanding, sustainable use, and long-term conservation of coral reefs; “(9) enhancing public awareness, understanding, and appreciation of coral reefs and coral reef ecosystems; and “(10) centrally archiving, managing, and distributing data sets and coral reef ecosystem assessments and publishing such information on available internet websites, by means such as leveraging and partnering with existing data repositories, of—“(A) the Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration; and “(B) the Task Force. “(c) FEDERAL AGENCIES SPECIFIED.—A Federal agency specified in this subsection is one of the following: “(1) The National Oceanic and Atmospheric Administration. “(2) The National Park Service. “(3) The United States Fish and Wildlife Service. “(4) The Office of Insular Affairs. “SEC. 204. NATIONAL CORAL REEF RESILIENCE STRATEGY. “(a) In General.—The Administrator shall— “(1) not later than 2 years after the date of the enactment of the Restoring Resilient Reefs Act of 2022, develop a national coral reef resilience strategy; and “(2) periodically thereafter, but not less frequently than once every 5 years, in consultation with the National Oceanic and Atmospheric Administration, the National Park Service, the Office of Insular Affairs, Federal agencies specified in subsection (b)(4)), review and revise the strategy. “(b) Elements.—The strategy required by subsection (a) shall include the following: “(1) A discussion addressing— “(A) continuing and emerging threats to the resilience of United States coral reef ecosystems; “(B) remaining gaps in coral reef ecosystem research, monitoring, and assessment; “(C) the status of management cooperation and integration among Federal reef managers and covered reef managers; “(D) the status of efforts to manage and disseminate critical information, and enhance interjurisdictional data sharing, related to research, reports, datasets, and maps; “(E) areas of special focus, which may include— “(i) improving natural coral recruitment; “(ii) preventing avoidable losses of corals and the threats to coral reef ecosystems; “(iii) enhancing the resilience of coral populations; “(iv) supporting a resilience-based management approach; “(v) developing, coordinating, and implementing watershed management plans; “(vi) building and sustaining watershed management capacity at the local level; and “(vii) providing data essential for coral reef fisheries management; “(viii) building capacity for coral reef fisheries certification; “(ix) increasing understanding of coral reef ecosystem services; “(x) educating the public on the importance of coral reefs, threats and solutions; and “(xi) evaluating intervention efficacy; “(P) the status of conservation efforts, including the use of marine protected areas to serve as replenishment zones developed consistent with local practices and traditions and an understanding of the scientific, technical, and management expertise and responsibilities of, covered reef managers; “(Q) science-based adaptive management and restoration efforts; and “(R) management of coral reef emergencies and disasters. “(2) A statement of national goals and objectives designed to guide— “(A) future Federal coral reef management and restoration activities authorized under section 204; “(B) conservation and restoration priorities for grants awarded under section 213 and cooperative agreements under section 208; and “(C) research priorities for the reef research coordination institutes designated under section 214. “(3) A designation of priority areas for conservation, and priority areas for restoration, to support the review and approval of grants under section 213(e). “(4) Guidelines for use by covered reef managers and Federal reef managers to guide the development of coral reef action plans under section 205, including guidance on the science-based practices to respond to coral reef emergencies that can be included in coral reef action plans. “(c) Consultations.—In developing all elements of the strategy required by subsection (a), the Administrator shall— “(1) consult with the Secretary of the Interior, the Task Force, covered States, and covered National entities; “(2) consult with the Secretary of Defense, as appropriate; “(3) engage stakeholders, including covered States, Federal reef stewardship partnerships, reef research coordination institutes and research centers designated under section 214, and recipients of grants under section 215; and “(4) solicit public review and comment regarding scope and the draft strategy. “(d) Submission to Congress; Publication.—The Administrator shall submit to Congress a plan— “(1) not later than 3 years after the date of the enactment of the Restoring Resilient Reefs Act of 2022, develop a national coral reef resilience strategy; and “(2) periodically thereafter, but not less frequently than once every 5 years, or until an updated plan is submitted to the Task Force, whichever occurs first. “(2) Effective Period.—A plan prepared under this subsection shall remain in effect for 5 years, or until an updated plan is submitted to the Task Force, whichever occurs first. “(3) Elements.—A plan prepared under paragraph (1) by a covered reef manager shall contain a discussion of— “(i) short- and mid-term coral reef conservation and restoration objectives within the jurisdiction of the manager; “(ii) estimated budgetary and resource considerations necessary to carry out the plan; “(iii) in the case of an updated plan, annual records of significant management and restoration actions taken under the previous plan, cash and non-cash resources used to undertake the actions, and the source of such resources; and “(iv) contingencies for response to and recovery from emergencies and disasters; and “(B) a current adaptive management framework to inform research, monitoring, and assessment needs. “(C) Tools, strategies, and partnerships necessary to identify, monitor, and address pollution and water quality impacts to coral reef ecosystems within the jurisdiction of the manager. “(D) The status of efforts to improve coral reef ecosystem management cooperation and integration between Federal reef managers and covered reef managers, including the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the jurisdiction of the manager. “(E) The status of efforts to improve coral reef ecosystem management cooperation and integration between Federal reef managers and covered reef managers, including the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the jurisdiction of the manager.
ases upon request by a Federal reef manager and the Task Force shall make all available data, assessments, and accompanying information to ensure no geographic overlap in representation of one or more Federal agencies.

(c) Technical Assistance.—The Administrator and the Task Force shall make all reasonable efforts to provide technical assistance upon request by a Federal reef manager or covered reef manager developing a coral reef action plan under this section.

(d) The Administrator shall publish each coral reef action plan prepared and submitted to the Task Force under this section on publicly available internet websites of—

(1) the Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration; and

(2) the Task Force.

SEC. 206. CORAL REEF STEWARDSHIP PARTNERSHIPS.

(a) In General.—To further the community-based stewardship of coral reefs, coral reef stewardship partnerships for Federal and non-Federal coral reefs may be established with this section.

(b) Standards and Procedures.—The Administrator shall develop and adopt—

(1) standards for identifying individual coral reefs and ecologically significant units of coral reefs; and

(2) processes for adjudicating multiple applicants for stewardship of the same coral reef or ecologically significant unit of a reef to ensure no geographic overlap in representation among stewardship partnerships authorized by this section.

(c) Requiring Federal Coral Reefs.—A coral reef stewardship partnership that has identified, as the subject of its stewardship activities, a coral reef or ecologically significant unit of a reef that is fully or partially under the management jurisdiction of any Federal agency specified in section 203(c) shall, at a minimum, include the following:

(1) That Federal agency, a representative of which shall serve as chairperson of the coral reef stewardship partnership.

(2) The national or county’s resource management agency.

(3) A coral reef research center designated under section 214(b).

(4) A nongovernmental organization.

(5) Such other members as the partnership considers appropriate, such as interested stakeholder groups and covered Native entities.

(d) Membership for Non-Federal Coral Reefs.—

(1) In General.—A coral reef stewardship partnership that has identified, as the subject of its stewardship activities, a coral reef or ecologically significant component of a coral reef outside the United States under the management jurisdiction of any Federal agency specified in section 203(c) shall, at a minimum, include the following:

(A) A State or county’s resource management agency or a covered Native entity, a representative of which shall serve as the chairperson of the coral reef stewardship partnership.

(B) A coral reef research center designated under section 214(b).

(C) A nongovernmental organization.

(2) Additional Members.—

(A) If subparagraph (B) of this subsection is subject to subparagraph (B), a coral reef stewardship partnership described in paragraph (1) may also include representatives of one or more Federal agencies.

(B) Requests; Approval.—A representative of a Federal agency described in subparagraph (A) may become a member of a coral reef stewardship partnership described in paragraph (1) if—

(i) the representative submits a request to become a member of the partnership referred to in paragraph (1)(A); and

(ii) the chairperson consents to the request.

(c) Nonapplicability of Federal Advisory Committee Act.—The Federal Advisory Committee Act (95 Stat. 495; 5 U.S.C. App.) shall not apply to coral reef stewardship partnerships under this section.

SEC. 207. BLOCK GRANTS.

(a) In General.—The Administrator shall provide block grants of financial assistance to covered States to support management and restoration activities and further the implementation of coral reef action plans in effect under section 205 by covered States and non-Federal coral reef stewardship partnerships in accordance with this section. The Administrator shall review each covered State’s application for block grant funding to ensure that applications are consistent with the criteria set forth under paragraphs (2) and (3), and the national coral reef strategy in effect under section 204.

(b) Eligibility for Additional Amounts.—

(1) In General.—A covered State shall qualify for and receive additional grant amounts beyond the base award specified in subsection (c)(1) if there is at least one coral reef action plan in effect within the jurisdiction of the covered State developed by that covered State under Federal coral reef stewardship partnerships.

(2) Waiver for Certain Fiscal Years.—The Administrator may waive the requirements under paragraph (1) during fiscal years 2023 and 2024.

(c) Funding Formula.—Subject to the availability of appropriations, the amount of each block grant awarded to a covered State under this section shall be the sum of—

(1) a base award of $100,000; and

(2) if the State is eligible under subsection (b)—

(A) an amount that is equal to non-Federal expenditures of up to $3,000,000 on coral reef management activities within the jurisdiction of the State, as reported within the previous fiscal year; and

(B) an additional amount, from any funds appropriated for block grants under this section that remain after distribution under subparagraph (A) and paragraph (1), based on the proportion of the State’s share of total non-Federal expenditures on coral reef management and restoration activities, as reported within the previous fiscal year, in excess of $3,000,000, relative to other covered States.

(d) Exclusions.—For the purposes of calculating block grant amounts under subsection (c), Federal funds provided to a covered State or non-Federal coral reef stewardship partnership shall not be considered as qualifying non-Federal expenditures, but non-Federal matching funds used to leverage Federal awards may be considered as qualifying non-Federal expenditures.

(e) Responsibilities of the Administrator.—The Administrator is responsible for—

(1) providing guidance on qualifying non-Federal expenditures and the proper documentation of such expenditures;

(2) issuing annual solicitations to covered States for awards under this section; and

(3) determining the allocation of additional amounts among covered States in accordance with this section.

SEC. 208. COOPERATIVE AGREEMENTS.

(a) Agreement.—The Administrator shall seek to enter into cooperative agreements with the All Islands Committee of the Task Force to provide support for its activities.

(b) Funding.—Cooperative agreements under subsection (a) shall provide not less than $500,000 to each covered State and are not subject to any matching requirement.

SEC. 209. CORAL REEF STEWARDSHIP FUND.

(a) Agreement.—The Administrator shall seek to enter into an agreement with the National Fish and Wildlife Foundation (in this section referred to as ‘‘the Fund’’), in consultation with the All Islands Committee of the Task Force, to provide support for its activities.

(b) Deposits.—The Foundation shall deposit funds received under this section into the Fund.

(c) Purpose.—The Fund shall be available solely to support coral reef stewardship activities that—

(1) are consistent with the national coral reef resilience strategy in effect under section 204; and

(2) provide block grants of financial assistance to covered States in accordance with this section.

(d) Investment of Amounts.—

(A) Investment of Amounts.—The Foundation shall invest such portion of the Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(B) Interest and Proceeds.—The interest and proceeds from the sale or redemption of obligations held in the Fund shall be credited to and form a part of the Fund.

(c) Review of Performance.—The Administrator shall conduct a continuing review of all deposits into, and disbursements from, the Fund. The Administrator shall conduct and administer through a public-private partnership with the Foundation.

(d) Deposits.—The Foundation shall deposit funds received under this section into the Fund.

(e) Authorization to Solicit Donations.—"(A) Authorization to Solicit Donations.—The Foundation shall solicit funds from private persons, States, and political subdivisions of States, and private organizations for the purpose of supporting the activities of the Foundation. The Administrator shall establish procedures for the solicitation and acceptance of donations and the procedures established by the Administrator shall be consistent with the procedures established by the National Fish and Wildlife Foundation in the Federal Register.

(b) Exclusions.—The Foundation shall not be subject to any matching requirement.

(c) Authorization to Solicit Donations.—The Administrator shall have the authority to solicit donations and to accept donated funds from any source for the purpose of supporting the activities of the Foundation. The Administrator shall have the authority to establish procedures for the solicitation and acceptance of donations and the procedures established by the Administrator shall be consistent with the procedures established by the National Fish and Wildlife Foundation in the Federal Register.

(d) Deposits.—The Foundation shall deposit funds received under this section into the Fund.

(e) Purpose.—The Fund shall be available solely to support coral reef stewardship activities that—

(1) are consistent with the national coral reef resilience strategy in effect under section 204; and

(2) provide block grants of financial assistance to covered States in accordance with this section.

(f) Authorization to Solicit Donations.—The Administrator shall have the authority to solicit donations and to accept donated funds from any source for the purpose of supporting the activities of the Foundation. The Administrator shall have the authority to establish procedures for the solicitation and acceptance of donations and the procedures established by the Administrator shall be consistent with the procedures established by the National Fish and Wildlife Foundation in the Federal Register.
Foundation may accept, receive, solicit, hold, administer, and use any gift (including, notwithstanding section 1342 of title 31, United States Code, donations of services) to further the purposes of this title.

"(2) DEPOSITS IN FUND.—Notwithstanding section 3362 of title 31, United States Code, any funds received as a gift shall be deposited into the Fund.

"(d) ADMINISTRATION.—Under an agreement entered into pursuant to subsection (a), and subject to the availability of appropriations, the Administrator may transfer funds appropriated to carry out this title to the Foundation. Amounts received by the Foundation under this subsection may be used for matching, in whole or in part, contributions (whether in money, services, or property) made to the Foundation by private persons, State or local government agencies, or covered Native entities.

**SEC. 210. EMERGENCY ASSISTANCE.**

"(a) IN GENERAL.—Notwithstanding any other provision of law, from funds appropriated pursuant to the authorization of appropriations under section 217, the Administrator may provide emergency assistance to any covered State or coral reef stewardship partner to immediate threats to coral reefs or coral reef ecosystems arising from any of the exigent circumstances described in subsection (b).

"(b) EXIGENT CIRCUMSTANCES.—The Administrator shall develop a list of, and criteria for, circumstances that pose an exigent threat to coral reefs, including—

1. new and ongoing outbreaks of disease;
2. new and ongoing outbreaks of invasive or nuisance species;
3. new and ongoing coral bleaching events;
4. natural disasters;
5. industrial or mechanical incidents, such as vessel groundings, hazardous spills, or coastal construction accidents; and
6. other circumstances that pose an exigent threat to coral reefs.

"(c) ANNUAL REPORT ON EXIGENT CIRCUMSTANCES.—On February 1 of each year, the Administrator shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report that—

1. describes locations with exigent circumstances described in subsection (b) that were considered but declined for emergency assistance, and the rationale for the decision; and
2. with respect to each instance in which emergency assistance under this section was provided—

(A) the location and a description of the exigent circumstances that prompted the emergency assistance, the entity that received the assistance, and the current and expected outcomes of the assistance;
(B) a description of activities of the National Oceanic and Atmospheric Administration that were curtailed as a result of providing the emergency assistance;
(C) in the case of an incident described in subsection (b)(5), a statement of whether legal action was commenced under subsection (c), and the rationale for the decision; and
(D) an assessment of whether further action is needed to restore the affected coral reef, and recommendations for such restoration, and a cost estimate to implement such recommendations.

**SEC. 211. CORAL REEF DISASTER FUND.**

"(a) AGREEMENTS.—The Administrator shall seek to enter into an agreement with the National Fish and Wildlife Foundation (in this section referred to as the 'Foundation'), authorizing the Foundation to receive, hold, and administer funds received under this section.

"(b) FUND.—

1. In general.—The Foundation shall establish an account, to be known as the 'Coral Reef Disaster Fund' (in this section referred to as the 'Fund').

2. Deposits.—The Foundation shall deposit funds received under this section into the Fund.

"(c) PURPOSES.—The Fund shall be available, in whole or in part, for the long-term recovery of coral reefs from exigent circumstances described in section 210—

1. in partnership with non-Federal stakeholders; and
2. in a manner that is consistent with—

(A) the national coral reef resilience strategy in effect under section 204; and
(B) coral reef action plans in effect, if any, under section 205.

"(d) INVESTMENT OF AMOUNTS.—

1. INVESTMENT OF AMOUNTS.—The Foundation shall invest such portion of the Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to principal and interest by the United States.

2. INTEREST AND PROCEEDS.—The interest and proceeds derived from any investments of the Fund shall accrue to the Fund.

3. DEPOSITS.—The Foundation shall deposit—

(A) in the case of an incident described in section 212, any response actions taken by the Foundation to address such incident; and
(B) in the case of an incident described in section 214, any response actions taken by the Foundation to address such incident.

4. WAIVER.—The Administrator may waive all or part of the matching requirement under paragraph (1) if the Administrator determines that no reasonable means are available through which an applicant can meet the matching requirement with respect to a coral reef project for which a grant is provided under subsection (b) may not exceed 50 percent of the total cost of the project.

5. ELIGIBILITY.—

(A) IN GENERAL.—An entity described in paragraph (2) may submit to the Administrator for a coral reef project for which a grant is provided under section 213 or 214 a proposal.

(B) ENTITIES DESCRIBED.—An entity described in this paragraph is—

(A) a covered reef manager or a covered Federal entity;
(B) with responsibility for coral reef management;
(C) the activities of which directly or indirectly affect coral reefs or coral reef ecosystems;
(D) a regional fishery management council established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.),
(E) a non-Federal share of the cost of a coral reef project may be provided by in-kind contributions and other noncash support.

"(d) PROJECT PROPOSALS.—Each proposal for a coral reef project shall include the following:

1. The name of the individual or entity responsible for conducting the project.
2. A description of the qualifications of the individual or entity.
3. A succinct statement of the purposes of the project.
(4) An estimate of the funds and time required to complete the project;
(5) Evidence of support for the project by appropriate representatives of States or other organizations in jurisdictions in which the project will be conducted;
(6) Information regarding the source and amount of matching funding available to the applicant for the project;
(7) A description of how the project meets one or more of the criteria under subsection (f)(2); and
(8) In the case of a proposal submitted by a coral reef stewardship partnership, a description of how the project aligns with the application for a coral reef action plan in effect under section 205.

(9) Any other information the Administrator considers to be necessary for evaluating (A) the project for a grant under this subsection.

(e) Project Review and Approval.—
(1) In General.—The Administrator shall review each coral reef project proposal submitted under this section to determine if the project meets the criteria set forth in subsection (f).

(2) Prioritization of Conservation Projects.—The Administrator shall prioritize the awarding of funding for projects that meet the criteria for approval under subparagraphs (A) through (G) of subsection (f)(2) that are proposed to be conducted within priority areas identified for coral reef restoration by the Administrator under the national coral reef resilience strategy in effect under section 204.

(f) Criteria for Approval.—(A) the national coral reef resilience strategy in effect under section 204; and

(B) any Federal or non-Federal coral reef action plans in effect under section 205 covering any geographic area that includes or overlaps a unit of a coral reef to be affected by the project; and

(2) will enhance the conservation and restoration of coral reefs, including—

(A) addressing conflicts arising from the use of environments near coral reefs or from the use of corals, species associated with coral reefs, and coral products, including—

(B) improving compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reefs or regulate access and management of coral reef ecosystems;

(C) designing and implementing networks of real-time water quality monitoring along coral reefs, including data collection related to turbidity, nutrient availability, harmful algal blooms, and plankton assemblies, with an emphasis on coral reefs impacted by agriculture and urban development;

(D) promoting ecologically sound navigation and anchorages, including mooring buoy systems to promote enhanced recreational access, near coral reefs;

(E) furthering the goals and objectives of coral reef action plans in effect under section 205;

(F) mapping the location and distribution of coral reefs and potential coral reef habitats;

(G) stimulating innovation to advance the ability of the United States to understand, research, or monitor coral reef ecosystems, or to develop management or adaptation options to conserve and restore coral reef ecosystems;

(H) implementing research to ensure the population viability of listed coral species in United States waters as detailed in the population-based recovery criteria included in species-specific recovery plans consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(I) developing and implementing cost-effective methods to restore degraded coral reef ecosystems or to create geographically appropriate and suitable ocean waters, including by improving habitat or promoting success of keystone species, with an emphasis on novel restoration strategies and technologies to advance coral reef recovery and growth near population centers threatened by rising sea levels and storm surges;

(J) translating and applying coral genetic research to coral reef ecosystem restoration, including research related to traits that promote resilience to increasing ocean temperatures, ocean acidification, coral bleaching, coral diseases, and invasive species;

(K) developing and maintaining in situ natural coral propagation sites; or

(L) developing and maintaining ex situ coral propagation nurseries and land-based coral genetic conservation and augmentation projects to conserve or augment genetic diversity of native coral populations;

(ii) support captive breeding of rare coral species;

(iii) enhance resilience of native coral populations to increasing ocean temperatures, ocean acidification, coral bleaching, and coral diseases through selective breeding, conditioning, or other approaches that target genes, gene expression, phenotypic traits, or phenotypic plasticity.

(g) Funding.—(A) To the extent practicable based on proposals for coral reef projects submitted to the Administrator, the Administrator shall ensure that funding for grants awarded under this section during a fiscal year is distributed as follows:

(B) Not less than 40 percent of funds available shall be awarded for projects in the Pacific Ocean within the maritime areas and zones subject to the jurisdiction or control of the United States.

(2) Of the funds distributed to support projects in accordance with paragraph (1), not less than 20 percent and not more than 33 percent shall be awarded for projects that meet the criteria for approval under subparagraph (A) submitted by a coral reef stewardship partnership.

(h) Task Force.—The Administrator may consult with the Secretary of the Interior and the Task Force to obtain guidance in establishing priorities and evaluating proposals for coral reef projects under this section.

SEC. 214. NON-FEDERAL CORAL REEF RESEARCH.

(a) Reef Research Coordination Institutes.—

(1) Establishment.—The Administrator shall designate 2 reef research coordination institutes for the purpose of advancing and sustaining essential capabilities in coral reef research, one each in the Atlantic and Pacific.

(A) submitted to be known as the ‘Atlantic Reef Research Coordination Institute’ and the ‘Pacific Reef Research Coordination Institute’, respectively.

(2) Membership.—Each institute designated under paragraph (1) shall be housed within a single coral reef research center designated by the Administrator under subsection (b) and may enter into contracts with other coral reef research centers designated under subsection (b) within the same basin to support the institute’s capacity and research.

(3) Functions.—The institutes designated under paragraph (1) shall—

(A) conduct federally directed research to fill geographic and research gaps in the national coral reef research system research gaps and improve understanding of, and responses to, continuing and emerging threats to the resilience of United States coral reef ecosystems consistent with the national coral reef resilience strategy in effect under section 204;

(B) support ecological research and monitoring to study the effectiveness of coral reef restoration and research funding activities funded by this title on promoting more effective coral reef management and restoration; and

(C) through agreements—

(i) collaborate directly with governmental resource management agencies, coral reef stewardship partnerships, nonprofit organizations, and other research centers designated under subsection (b);

(ii) assist in the development and implementation of—

(A) the national coral reef resilience strategy under section 204; and

(B) coral reef action plans under section 205;

(C) build capacity within non-Federal governmental resource management agencies to establish research priorities and
translate and apply research findings to management and restoration practices; and

“(iv) conduct public education and awareness

programs for policymakers, resource man-

agers, and the general public on—

“(I) coral reefs and coral reef ecosystems;

“(II) best practices for coral reef eco-

system management and restoration;

“(III) natural or human disturbances to cora-

lar reef ecosystems; and

“(IV) the threats to the sustainability of
coral reef ecosystems.

(b) CORAL REEF RESEARCH CENTERS.—

(1) IN GENERAL.—The Administrator shall—

“(A) periodically solicit applications for
designation of qualifying institutions in cov-

ered States as coral reef research centers; and

“(B) designate all qualifying institutions in
covered States as coral reef research cen-
ters.

(2) QUALIFYING INSTITUTIONS.—For pur-

poses of paragraph (1), an institution is a

qualifying institution if the Administrator
determines that the institution—

“(A) is operated by an institution of higher

education or nonprofit marine research orga-
nizations;

“(B) has established management-driven

national or regional coral reef research or

restoration programs;

“(C) demonstrates abilities to coordinate

closely with appropriate Federal and

national or regional coral reef research or

education or nonprofit marine research orga-
nizations.

(3) in section 217, as redesignated by para-

graph (1)—

(A) in subsection (c), by striking “section

204” and inserting “section 213”;

(B) in subsection (d), by striking “under

section 207” and inserting “authorized under

this title”; and

(C) by adding at the end the following:

“(e) BLOOM GRANTS.—The Administrator is authorized to be

appropriated to the Administrator $10,000,000 for each of fiscal years 2023

to 2027 to carry out section 208.

“(f) COOPERATIVE AGREEMENTS.—There is

authorized to be appropriated to the Admin-

istrator $10,000,000 for each of fiscal years

2023 through 2027 for agreements with the

research coordination institutes designated

under section 214.; and

(4) by amending section 218, as redesign-

ed by paragraph (1), to read as follows:

**SEC. 218. DEFINITIONS.**

“In this title—

“(1) ADMINISTRATOR.—The term

‘Administrator’ means the Administrator of

the National Oceanic and Atmospheric Ad-

ministration.

“(2) ALASKA NATIVE CORPORATION.—The

term ‘Alaska Native Corporation’ has the

meaning given the term ‘Native Corporation’ in

section 3 of the Alaska Native Claims Set-


“(3) APPROPRIATE CONGRESSIONAL COMMIT-

TEE.—The term ‘appropriate congressional

committee’ means the Committee on Com-

merce, Science, and Transportation of the

Senate and the Committee on Natural Re-

sources of the House of Representatives.

“(4) the term ‘conservation’ means the use of methods and

procedures necessary to preserve or sustain

native corals and associated species as di-

verse, viable, and flourishing coral reef eco-

systems with minimal impacts from invasive

species, including—

“(A) all activities associated with resource manage-

ment, monitoring, habitat management, con-

servation, protection, restoration, sustainable

use, management of habitat, and mainten-

ance or augmentation of genetic diversity;

“(B) mapping;

“(C) scientific expertise and technical as-

sistance in the development and implementa-

tion of management strategies for marine

protected areas and marine resources con-

sistent with the National Marine Sanctu-

aries Act (16 U.S.C. 1431 et seq.) and the

Magnuson-Stevens Fishery Conservation and

Management Act (16 U.S.C. 1801 et seq.);

“(D) law enforcement;

“(E) conflict resolution initiatives; and

“(F) community outreach and education;

and

“(G) promotion of safe and ecologically

sound navigation and anchoring.

“(5) CORAL.—The term ‘coral’ means spe-

cies of the phylum Cnidaria, including—

“(A) all species of the orders Antipatharia

(black corals), Scleractinia (stony corals),

Alcyonacea (soft corals, organ pipe corals, 
gorgonians), and Helioporacea (blue coral),

do the class Anthozoaa; and

“(B) all species of the order Antedonidae

(fire corals and other hydrocorals) of the

class Hydrozoa.

“(6) CORAL PRODUCTS.—The term ‘coral

products’ means any living or dead speci-

mens, parts, or derivatives, or any product

containing specimens, derivatives, or any

species referred to in paragraph (5).

“(7) CORAL REEFS.—The term ‘coral reef’

means calcium carbonate structures in the

form of a reef or a shoal composed in whole
nor part in part by living coral, skeletal remains of

coral, crustose coralline algae, and other asso-

ciated sessile marine plants and animals.

“(8) COVERED REEF Ecosystem.—The term

‘covered reef ecosystem’ means—

“(A) corals and other geographically and
ecologically associated marine communities

of ‘coral reef organisms (including reef plants
and animals) associated with coral reef habitat;
and

“(B) the biotic and abiotic factors and processes

that control calcium carbonate precipitation,
tissue growth, reproduction, recruitment, abun-
dance, coral-algal symbiosis, and biodiversity in
such habitat.

“(9) COVERED Native ENTITY.—The term

‘covered Native entity’ means a Native enti-
	y of a covered State with interests in a
coral reef ecosystem.

“(10) COVERED REEF MANAGER.—The term

‘covered reef manager’ means—

“(A) a management unit of a covered State

with jurisdiction over a coral reef ecosystem;

“(B) a covered State; or

“(C) a coral reef stewardship partnership

under section 206(d).

“(11) COVERED STATE.—The term ‘covered

State’ means Florida, Hawaii, and the terri-

tories of American Samoa, the Common-

wealth of the Northern Mariana Islands,

Guam, Puerto Rico, and the United States

Virgin Islands.

“(12) FEDERAL REEF MANAGER.—

“(A) IN GENERAL.—The term ‘Federal reef

manager’ means—

“(i) a management unit of a Federal agen-

cy identified in subparagraph (B) or a coral

reef management jurisdiction over a coral reef

ecosystem; or

“(ii) a coral reef stewardship partnership

under section 206(c).

“(B) FEDERAL AGENCIES SPECIFIED.—A Fed-

eral agency specified in this subparagraph is

one of the following:

“(i) The National Oceanic and Atmospheric Administration.

“(ii) The National Park Service.

“(iii) The United States Fish and Wildlife Service.

“(iv) The Office of Insular Affairs.

“(C) AGENCY JURISDICTION.—Nothing in this

Act shall be construed to expand the man-

agement authority of a Federal agency spec-

ified in subparagraph (B) or a coral reef stew-

ewardship partnership under section 206(c)
to coral reefs or coral reef ecosystems outside

the boundaries of the jurisdiction of the

agency or partnership.

“(13) INSTITUTION OF HIGHER EDUCATION.—

The term ‘institution of higher education’ has the meaning given that term in


“(14) INTERESTED STAKEHOLDER GROUPS.—

The term ‘interested stakeholder groups’ in-

cludes any community members such as busi-

nesses, commercial and recreational fisher-

men, other recreationalists, covered Native
entities, Federal, State, and local government units with related jurisdiction, institutions of higher education, and nongovernmental organizations.

"(15) Services associated with healthy coral reefs range of such ecosystems, to provide ecosystem services provided by natural systems, such as coral reefs, to the United States or separate sovereign in October 11, 2022 CONGRESSIONAL RECORD — SENATE S6447

and human disturbances, and maintain structure and function to provide ecosystem services, as determined by clearly identifiable, measurable, and science-based standards.

"(19) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

"(20) State.—The term "State" means—

"(A) any State of the United States that contains a coral reef ecosystem within its seaward boundaries

"(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the United States Virgin Islands;

"(C) any other territory or possession of the United States or separate sovereign in free association with the United States that contains a coral reef ecosystem within its seaward boundaries.

"(21) STEWARDSHIP.—The term 'stewardship', with respect to a coral reef, includes conservation, restoration, and public outreach and education.


(b) CONFORMING AMENDMENT TO NATIONAL OCEANS AND COASTAL SECURITY ACT.—Section 901 of the National Oceans and Coastal Security Act (16 U.S.C. 7509(a)) is amended by striking ‘‘and coastal infrastructure’’ and inserting ‘‘coastal infrastructure, and ecosystem services provided by natural systems such as coral reefs’’.

Subtitle B—United States Coral Reef Task Force

SEC. 5121. ESTABLISHMENT.

There is established a task force to lead, coordinate, and strengthen Federal Government actions to better preserve, conserve, and restore coral reef ecosystems, to be known as the "United States Coral Reef Task Force" (in this subtitle referred to as the "Task Force").

SEC. 5122. DUTIES.

The duties of the Task Force shall be—

(1) to coordinate, in cooperation with covered States, covered Native entities, Federal agencies, Federal managers, coral reef research centers designated under section 214(b) of the Coral Reef Conservation Act of 2000 (as amended by section 5111), and others (including non-Federal parties) as appropriate, activities regarding the mapping, monitoring, research, conservation, mitigation, and restoration of coral reefs and coral reef ecosystems;

(2) to monitor and advise regarding implementation of the policy and Federal agency responsibilities set forth in—

(A) Executive Order 13689 (33 Fed. Reg. 32701), relating to coral reef protection; and

(B) the national coral reef resilience strategy developed under section 204 of the Coral Reef Conservation Act of 2000, as amended by section 5111;

(3) to work, in coordination with the other members of the Task Force—

(A) to assess the United States role in international trade and protection of coral species;

(B) to encourage implementation of appropriate management practices to promote sustainable use of coral reef resources worldwide; and

(C) to collaborate with international communities successful in managing coral reefs;

(4) to provide technical assistance for the development and implementation, as appropriate, of—

(A) the national coral reef resilience strategy under section 204 of the Coral Reef Conservation Act of 2000, as amended by section 5111; and

(B) coral reef action plans under section 205 of that Act;

(5) to produce a report each year, for submission to the appropriate congressional committees and publication on a publicly available internet website of the Task Force, highlighting the status of the coral reef equities of a covered State on a rotating basis, including—

(A) a summary of recent coral reef management and restoration activities undertaken in that State; and

(B) updated data on the direct and indirect economic activity supported by, and other benefits associated with, those coral reef equities.

SEC. 5123. MEMBERSHIP.

(a) In general.—A member of the Task Force described in section 5123(a) shall—

(1) identify the actions of the agency that member represents that may affect coral reef ecosystems;

(2) utilize the programs and authorities of that agency to protect and enhance the conditions of such ecosystems, including through the promotion of basic and applied scientific research;

(3) collaborate with the Task Force to appropriately reflect budgetary needs for coral reef conservation and restoration activities in all agency budget planning and justification documents and processes; and

(4) engage in any other coordinated efforts appropriate, including academic institutions, to carry out the duties of the Task Force.

(b) CO-CHAIRPERSONS.—In addition to their responsibilities under subsection (a), the co-chairpersons of the Task Force shall, on a rotating basis, take turns selecting the member.

(c) PARTICIPATION BY NONGOVERNMENTAL ORGANIZATIONS.—The co-chairpersons of the Task Force shall, on a rotating basis, take turns selecting the member.

(a) In general.—The co-chairpersons of the Task Force may establish working groups as necessary to meet the goals and carry out the duties of the Task Force.

(b) REQUESTS FROM MEMBERS.—The members of the Task Force may request that the co-chairpersons establish a working group under subsection (a).

(c) PARTICIPATION BY NONGOVERNMENTAL ORGANIZATIONS.—The co-chairpersons may allow nongovernmental organizations as appropriate, including academic institutions, conservation groups, and commercial and recreational fishing associations, to participate in a working group established under subsection (a).

SEC. 5124. RESPONSIBILITIES OF FEDERAL AGENCY MEMBERS.

(a) In general.—A member of the Task Force described in section 5124(a) shall—

(1) identify the actions of the agency that member represents that may affect coral reef ecosystems;

(2) utilize the programs and authorities of that agency to protect and enhance the conditions of such ecosystems, including through the promotion of basic and applied scientific research;

(3) collaborate with the Task Force to appropriately reflect budgetary needs for coral reef conservation and restoration activities in all agency budget planning and justification documents and processes; and

(4) engage in any other coordinated efforts appropriate, including academic institutions, to carry out the duties of the Task Force.

(d) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to working groups established under this section.

SEC. 5125. WORKING GROUPS.

(a) In general.—The co-chairpersons of the Task Force may establish working groups as necessary to meet the goals and carry out the duties of the Task Force.

(b) REQUESTS FROM MEMBERS.—The members of the Task Force may request that the co-chairpersons establish a working group under subsection (a).

(c) PARTICIPATION BY NONGOVERNMENTAL ORGANIZATIONS.—The co-chairpersons may allow nongovernmental organizations as appropriate, including academic institutions, conservation groups, and commercial and recreational fishing associations, to participate in a working group established under subsection (a).

SEC. 5126. DEFINITIONS.

In this subtitle:

(1) appropriate congressional committees.—The term ‘‘appropriate congressional committees’’ means—

(2) the appropriate congressional committees.—The term ‘‘appropriate congressional committees’’ means—
Subtitle C—Department of the Interior Coral Reef Authorities

SEC. 5131. CORAL REEF CONSERVATION AND RESTORATION ASSISTANCE.

(a) In General.—The Secretary of the Interior may provide scientific expertise and technical assistance, and subject to the availability of appropriations, financial assistance for the conservation and restoration of coral reefs consistent with all applicable laws governing resource management in Federal, State, and Tribal waters, including—

(1) the national coral reef resilience strategy in effect under section 204 of the Coral Reef Conservation Act of 2000, as amended by section 5111.

(2) coral reef action plans in effect under section 205 of that Act, as applicable.

(3) the Coral Reef Initiative.—The Secretary may establish a Coral Reef Initiative Program—

(1) to provide grant funding to support local management, conservation, and protection of coral reef ecosystems in—

(A) coastal areas of covered States; and

(B) Freely Associated States;

(2) to enhance resource availability of National Wildlife Refuge System management units to implement coral reef conservation and restoration activities;

(3) to complement the other conservation and assistance activities conducted under this Act or the Coral Reef Conservation Act of 2000, as amended by section 5111; and

(4) to provide other technical, scientific, and financial assistance and conduct conservation and restoration activities that advance the purposes of this title and the Coral Reef Conservation Act of 2000, as amended by section 5111.

(b) Coral Reef Initiative.—The Secretary may establish a Coral Reef Initiative Program—

(1) to provide grant funding to support local management, conservation, and protection of coral reef ecosystems in waters managed under the jurisdiction of the Federal agencies specified in paragraphs (2) and (3) of section 203(c) of the Coral Reef Conservation Act of 2000, as amended by section 5111.

(2) AWARD OF CORAL REEF MANAGEMENT FELLOWSHIPS.—The Secretary of the Interior shall consult with the Secretary of Commerce to award the Susan L. Williams Coral Reef Management Fellowship under subtitle D.

(d) Consultation with the Department of Commerce.—

(1) CORAL REEF CONSERVATION AND RESTORATION ACTIVITIES.—The Secretary of the Interior may consult with the Secretary of Commerce to carry out the conduct of any activities to conserve and restore coral reefs and coral reef ecosystems in waters managed under the jurisdiction of the Federal agencies specified in paragraphs (2) and (3) of section 203(c) of the Coral Reef Conservation Act of 2000, as amended by section 5111.

(2) AWARD OF CORAL REEF MANAGEMENT FELLOWSHIPS.—The Secretary of the Interior shall consult with the Secretary of Commerce to award the Susan L. Williams Coral Reef Management Fellowship under subtitle D.

(e) Definitions.—In this section:

(1) CONSERVATION, CORAL, CORAL REEF, ETC.—The terms “conservation”, “coral reef”, “covered reef manager”, “covered State”, “restoration”, and “State” have the meanings given those terms in section 218 of the Coral Reef Conservation Act of 2000, as amended by section 5111.

(2) TRIBE, TRIBAL.—The terms “Tribe” and “Tribal” have the meaning given those terms in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5310).

Title II—Susan L. Williams National Coral Reef Management Fellowship

SEC. 5141. SHORT TITLE.

This title may be cited as the “Susan L. Williams National Coral Reef Management Fellowship of 2022”.

SEC. 5142. DEFINITIONS.

In this title:

(1) ALASKA NATIVE CORPORATION.—The term “Alaska Native Corporation” has the meaning given the term “Native Corporation” in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(2) FELLOW.—The term “fellow” means a National Coral Reef Management Fellow.

(3) FELLOWSHIP.—The term “fellowship” means the National Coral Reef Management Fellowship established by section 5143.

(4) COVERED NATIVE ENTITY.—The term “covered Native entity” means a Native entity of a covered State with interests in a coral reef ecosystem.


(6) NATIVE ENTITY.—The term “Native entity” means any of the following:

(A) An Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5306).

(B) An Alaska Native Corporation.

(C) The Department of Hawaiian Home Lands.

(D) The Office of Hawaiian Affairs.

(E) A Native Hawaiian organization (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7617).

(7) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

SEC. 5143. ESTABLISHMENT OF FELLOWSHIP PROGRAM.

(a) In General.—There is established a National Coral Reef Management Fellowship Program.

(b) Purposes.—The purposes of the fellowship are—

(1) to encourage future leaders of the United States to develop additional coral reef management capacity in States and local communities with coral reefs;

(2) to provide management agencies of covered States or covered Native entities with highly qualified candidates whose education and work experience meet the specific needs of each covered State or covered Native entity; and

(3) to provide fellows with professional experience in management of coastal and coral reef resources.

SEC. 5144. FELLOWSHIP AWARDS.

(a) In General.—The Secretary, in partnership with the Secretary of the Interior, shall award the fellowship in accordance with this section.

(b) Term of Fellowship.—A fellowship awarded under this section shall be for a term of not more than 24 months.

(c) Qualifications.—The Secretary shall award the fellowship to individuals who have demonstrated—

(1) an intent to pursue a career in marine services and outstanding potential for such a career;

(2) leadership potential, actual leadership experience, or both;

(3) a college or graduate degree in biological science, a resource management college the candidate degree with experience that correlates with aptitude and interest for marine management, or both;

(4) proficient writing and speaking skills; and

(5) such other attributes as the Secretary considers appropriate.

SEC. 5145. MATCHING REQUIREMENT.

(a) In General.—Except as provided in subsection (b), the non-Federal share of the costs of a fellowship under this section shall be 25 percent of such costs.

(b) Waiver of Requirements.—The Secretary may waive the application of subsection (a) if the Secretary finds that such waiver is necessary to support a project that the Secretary has identified as a high priority.

Title III—Bolstering Long-term Understanding and Exploration of the Great Lakes, Oceans, Bays, and Estuaries

SEC. 5201. SHORT TITLE.

This title may be cited as the “Bolstering Long-term Understanding and Exploration of the Great Lakes, Oceans, Bays, and Estuaries Act” or the “BLUE GLOBE Act.”

SEC. 5202. PURPOSE.

The purpose of this title is to promote and support—

(1) the monitoring, understanding, and exploration of the Great Lakes, oceans, bays, estuaries, and coasts; and

(2) the collection, analysis, synthesis, and sharing of data related to the Great Lakes, oceans, bays, estuaries, and coasts to facilitate science and operational decision making.

SEC. 5203. SENSE OF CONGRESS.

It is the sense of Congress that Federal agencies should optimize data collection, management, and dissemination, to the extent practicable, to maximize their impact for research, conservation, commercial, regulatory, national security, and educational benefits and to foster innovation, scientific discoveries, the development of commercial products, and the development of sound policy with respect to the Great Lakes, oceans, bays, estuaries, and coasts.

SEC. 5204. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere in the Department of Commerce as designated by the Administrator of the National Oceanic and Atmospheric Administration.

(2) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

SEC. 5205. WORKFORCE STUDY.

(a) In General.—Section 303(a) of the America COMPETES Reauthorization Act of 2010 (33 U.S.C. 893c(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting “Secretary’s” after “Commerce”; and

(2) in paragraph (1), by inserting “Secretary’s” after “degrees”;

(3) in paragraph (2), by inserting “skilled, or credentials” after “qualifications”;

(4) in paragraph (3), by inserting “or highly qualified technical professionals and tradespeople” after “degree”; and

(5) in paragraph (4), by inserting “, skills, or credentials” after “degrees”;

(b) Term of Fellowship.—(1) A fellowship awarded under this section shall be for a term of not more than 24 months.

(2) Qualifications.—The fellowship shall be awarded to individuals who have—

(A) an intent to pursue a career in marine services and outstanding potential for such a career;

(B) leadership potential, actual leadership experience, or both;

(C) a college or graduate degree in biological science, a resource management college the candidate degree with experience that correlates with aptitude and interest for marine management, or both;

(D) proficient writing and speaking skills; and

(E) such other attributes as the Secretary considers appropriate.
in paragraph (6), by striking “into Federal” and all that follows and inserting “technical professionals, and tradespeople into Federal career positions.

(7) in paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(8) by inserting after paragraph (1) the following:

“(2) whether there is a shortage in the number of individuals with technical or trade-based skillsets or credentials suited to a career in oceanic and atmospheric data collection, processing, satellite production, or satellite operations;” and

(9) by adding at the end the following:

“(B) to the extent possible, the qualified value and impact of the natural capital of the Great Lakes, oceans, bays, estuaries, and coasts with respect to tourism, recreation, natural resources, and cultural heritage, including other indirect values.”

SEC. 5208. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out this title.

SEC. 5209. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to be appropriated to carry out this title.
Great Lakes resources and provide resources to support Indian Tribe participation in and engagement with Regional Ocean Partnerships.

(7) To enable Regional Ocean Partnerships, or designated fiscal management entities of such partnerships, to receive Federal funding to conduct the scientific research, conservation and restoration activities, and priority coordination on shared regional priorities necessary to achieve the purposes described in paragraphs (1) through (6).

SEC. 5502. REGIONAL OCEAN PARTNERSHIPS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COASTAL STATE.—The term "coastal state" has the meaning given that term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) REGIONAL OCEAN PARTNERSHIP.—The term "Regional Ocean Partnership" means a Regional Ocean Partnership, a Regional Coastal Partnership, or a Regional Great Lakes Partnership.

(b) REGIONAL OCEAN PARTNERSHIPS.—

(1) IN GENERAL.—A coastal state may participate in a Regional Ocean Partnership with one or more—

(A) coastal states that share a common ocean or coastal area with the coastal state, without regard to whether the coastal states are contiguous; and

(B) States—

(i) with which the coastal state shares a common watershed; or

(ii) that would contribute to the priorities of the partnership.

(2) GREAT LAKES.—A partnership consisting of one or more coastal states bordering one or more of the Great Lakes may be known as a "Regional Coastal Partnership" or a "Regional Great Lakes Partnership".

(3) APPLICATION.—The Governor of a coastal state or the Governors of a group of coastal states may apply to the Secretary of Commerce for a partnership for the partnership to receive designation as a Regional Ocean Partnership if the partnership—

(A) meets the requirements under paragraph (4); and

(B) submits an application for such designation in such manner, in such form, and containing such information as the Secretary may require.

(4) REQUIREMENTS.—A partnership is eligible for designation as a Regional Ocean Partnership if the Secretary under paragraph (3) if the partnership—

(A) is established to coordinate the management of ocean, coastal, and Great Lakes resources among State governments and Indian Tribes;

(B) focuses on the environmental issues affecting the ocean, coastal, and Great Lakes areas of its members participating in the partnership;

(C) complements existing coastal and ocean management efforts of States and Indian Tribes on an interstate scale, focusing on shared regional priorities;

(D) does not have a regulatory function; and

(E) is not duplicative of an existing Regional Ocean Partnership designated under paragraph (5), as determined by the Secretary.

(5) DESIGNATION OF CERTAIN ENTITIES AS REGIONAL OCEAN PARTNERSHIPS.—Notwithstanding paragraph (3) or (4), the following entities are designated as Regional Ocean Partnerships:

(A) The Gulf of Mexico Alliance, comprised of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.


(C) The Mid-Atlantic Regional Council on the Ocean, comprised of the States of New York, New Jersey, Delaware, Maryland, and Virginia.

(D) The West Coast Ocean Alliance, comprised of the States of California, Oregon, Washington, and the coastal Indian Tribes therein.

(c) GOVERNING BODIES OF REGIONAL OCEAN PARTNERSHIPS.—

(1) IN GENERAL.—A Regional Ocean Partnership designated under subsection (b) shall have a governing body.

(2) MEMBERSHIP.—A governing body described in paragraph (1) shall be comprised, at a minimum, of voting members from each coastal state participating in the Regional Ocean Partnership, designated by the Governor of the coastal state; and

(B) may include such other members as the partnership determines to be appropriate.

(d) FUNCTIONS.—A Regional Ocean Partnership designated under subsection (b) may perform the following functions:

(1) Coordinate and implement priority actions plans to carry out coordination goals.

(2) In cooperation with appropriate Federal and State entities and Indian Tribes, through such strategies.

(i) to manage regional data portals and develop associated data products for purposes that support the priorities of the partnership.

(3) Coordinate and implement priority plans and projects, and facilitate science, research, monitoring, data collection, and other activities that support the goals of the partnership through the provision of grants and contracts under sub- section (f).

(4) Engage, coordinate, and collaborate with relevant governmental entities and stakeholders to address ocean and coastal related matters that require interagency or intergovernmental solutions.

(5) Implement outreach programs for public information, education, and participation to foster partnerships to address ocean, coastal, and Great Lakes areas, as relevant.

(6) Develop and make available, through publications, technical assistance, and other appropriate means, information pertaining to cross-jurisdictional issues being addressed through the coordinated activities of the partnership.

(7) Serve as a liaison with, and provide information to, international counterparts, as appropriate on priority issues for the partnership.

(e) COORDINATION, CONSULTATION, AND ENGAGEMENT.—

(1) IN GENERAL.—A Regional Ocean Partnership designated under subsection (b) shall maintain mechanisms for coordination, consultation, and engagement with the following:

(A) The Federal Government.

(B) Indian Tribes.

(C) Nongovernmental entities, including academic organizations, nonprofit organizations, and private sector entities.

(D) Other federally mandated regional entities, including the National Oceanic and Atmospheric Administration, and relevant Marine Fisheries Commissions.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1)(B) may be construed as affecting requirement to consult with Indian Tribes under Executive Order 13175 (25 U.S.C. 5301 note; relating to consultation and coordination with Indian tribal governments) on any other applicable law or policy.

(f) GRANTS AND CONTRACTS.—

(1) IN GENERAL.—A Regional Ocean Partnership designated under subsection (b) may, in coordination with existing Federal and State management programs, from amounts made available to the partnership by the Administrator or the head of another Federal agency, provide grants and enter into contracts for the purposes described in paragraph (2).

(2) USES.—The purposes described in this paragraph include any of the following:

(A) Monitoring the water quality and living resources of multi-State ocean and coastal ecosystems and ocean management activities.

(B) Researching and addressing the effects of natural and human-induced environmental changes on ocean and coastal ecosystems; and

(i) coastal communities;

(C) Developing and executing cooperative strategies that address regional data issues identified by the partnership; and

(ii) coastal communities.

(g) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Administrator, in coordination with the Regional Ocean Partnerships designated under subsection (b), shall submit to Congress a report on the partnerships.

(2) REPORT REQUIREMENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of the overall status of the work of the Regional Ocean Partnerships designated under this subsection;

(B) An assessment of the effectiveness of the partnerships in supporting regional priorities relating to the management of common ocean, coastal, and Great Lakes areas;

(C) An assessment of the effectiveness of the strategies that the partnerships are supporting or implementing and the extent to which they are meeting priority needs covered by the partnerships being met through such strategies.

(D) An assessment of how the efforts of the partnerships support or enhance Federal and State efforts consistent with the purposes of this title.

(E) Such recommendations as the Administrator may have for improving—

(i) efforts of the partnerships to support the purposes of this title; and

(ii) collective strategies or report the purposes of this title in coordination with all relevant Federal and State entities and Indian Tribes.

(F) The distribution of funds from each partnership for each fiscal year covered by the report.

(h) AVAILABILITY OF FEDERAL FUNDS.—In addition to amounts available to the Regional Ocean Partnerships designated under subsection (b) by the Administrator
under this section, the head of any other Federal agency may provide grants to, enter into contracts with, or otherwise provide funding to such partnerships.

(1) The Committee, in this section establishes any new legal or regulatory authority of the National Oceanic and Atmospheric Administration or of the Regional Ocean Partnerships designated under subsection (b), other than—

(1) the authority of the Administrator to provide funding to, enter into contracts with, or otherwise provide funding to such partnerships;

(2) the authority of the partnerships to provide grants and enter into contracts under subsection (f).

TITLE IV—NATIONAL OCEAN EXPLORATION

SEC. 5401. SHORT TITLE.
This title may be cited as the “National Ocean Exploration Act”.

SEC. 5402. FINDINGS.
Congress makes the following findings:

(1) The health and resilience of the ocean are vital to the security and economy of the United States and the lives of the people of the United States.

(2) The United States depends on the ocean to regulate weather and climate, to sustain and provide a variety of resources for commerce and other activities, including fisheries, tourism, and recreation, and to provide for the health and well-being of the United States.

(3) The prosperity, security, and well-being of the United States depend on successful understanding and stewardship of the ocean.

(4) Interdisciplinary cooperation and engagement among government agencies, research institutions, nongovernmental organizations, States, Indian Tribes, and the private sector are essential for successful stewardship of ocean and coastal environments, national economic growth, national security, and development of agile strategies that develop, promote, and use new technologies.

(5) Ocean exploration can help the people of the United States understand how to be effective stewards of the ocean and serve as catalysts and enablers for other sectors of the economy.

(6) Mapping, exploration, and characterization of the ocean provides basic, essential information to protect and restore the marine environment, stimulate economic activity, and provide security for the United States.

(7) A robust national ocean exploration program, multipled Federal agencies, Indian Tribes, the private sector, nongovernmental organizations, and academia is—

(A) essential to the interests of the United States; (B) important to the health and well-being of all people of the United States; and

(C) critical to reestablish the United States at the forefront of global ocean exploration and stewardship.

In this title:

(1) CHARACTERIZATION.—The term “characterization” refers to activities that provide comprehensive data and information needed to understand seafloor characteristics, such as depth, topography, geologic structure, and benthic flora and fauna.

(2) EXPLORATION.—The term “exploration” refers to activities that provide comprehensive data and information needed to understand seafloor characteristics, such as depth, topography, geologic structure, and benthic flora and fauna.

(3) INCREASING.—The term “increasing” refers to activities that provide comprehensive data and information needed to understand seafloor characteristics, such as depth, topography, geologic structure, and benthic flora and fauna.

(4) MAPPING.—The term “mapping” refers to activities that provide comprehensive data and information needed to understand seafloor characteristics, such as depth, topography, geologic structure, and benthic flora and fauna.

SEC. 5405. NATIONAL OCEAN MAPPING, EXPLORATION, AND CHARACTERIZATION COUNCIL

(a) ESTABLISHMENT.—The President shall establish a council, to be known as the “National Ocean Mapping, Exploration, and Characterization Council” (in this section referred to as the “Council”).

(b) PURPOSE.—The Council shall—

(1) define national priorities for ocean mapping, exploration, and characterization; and

(2) coordinate and facilitate activities to advance those priorities.

(c) REPORTING.—The Council shall report to the Ocean Science and Technology Subcommittee of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code.

(d) MEMBERSHIP.—The Council shall be composed of senior-level representatives from the appropriate Federal agencies and academic.

(e) CO-CHAIRS.—The Council shall be co-chaired by—

(1) two senior-level representatives from the National Oceanic and Atmospheric Administration; and

(2) one senior-level representative from the Department of the Interior.

(f) DUTIES.—The Council shall—

(1) set national ocean mapping, exploration, and characterization priorities and strategies;

(2) coordinate and facilitate transparent and sustained partnerships among Federal and State agencies, Indian Tribes, private industry, academia, and nongovernmental organizations to conduct ocean mapping, exploration, and characterization activities and related technology development;

(3) coordinate improved processes for data collection, management, access, synthesis, and visualization with respect to ocean mapping, exploration, and characterization, with a focus on building on existing ocean data management systems and with appropriate safeguards on the public accessibility of data to protect national security equities, as appropriate;

(4) encourage education, workforce training, and public engagement activities that—

(A) advance interdisciplinary principles that contribute to ocean mapping, exploration, research, and characterization;

(B) improve public engagement with and understanding of ocean science; and

(C) provide opportunities for underserved populations;

(5) coordinate activities as appropriate with domestic and international ocean mapping, exploration, and characterization initiatives or programs; and

(6) establish and monitor metrics to track progress in achieving the priorities set under paragraph (1).

SEC. 5406. INTERAGENCY WORKING GROUP ON OCEAN EXPLORATION AND CHARACTERIZATION

(a) ESTABLISHMENT.—The President shall establish a new interagency working group to be known as the “Interagency Working Group on Ocean Exploration and Characterization”.

(b) MEMBERSHIP.—The Interagency Working Group on Ocean Exploration and Characterization shall be comprised of senior representatives from Federal agencies with ocean exploration and characterization responsibilities.

(c) FUNCTIONS.—The Interagency Working Group on Ocean Exploration and Characterization shall support the Council and the Ocean Science and Technology Subcommittee of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code, on ocean exploration and characterization activities and associated technology development across the Federal Government, State governments, Indian Tribes, private industry, nongovernmental organizations, and academia.

(d) OVERSIGHT.—The Council shall over—
(i) the Interagency Working Group on Ocean Exploration and Characterization established under subsection (g)(1); and

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Council shall develop or update and submit to the appropriate committees of Congress a plan for an integrated cross-sectoral ocean mapping, exploration, and characterization initiative.

(2) REPORTS.—The plan required by paragraph (1) shall—
(A) discuss the utility and benefits of ocean exploration and characterization;
(B) identify and describe Federal and federally funded, non-Federal ocean mapping, exploration, and characterization programs;
(C) identify and describe the Federal and federally funded, non-Federal mapping, exploration, and characterization priorities;
(D) facilitate and incorporate non-Federal input into national ocean mapping, exploration, and characterization priorities;
(E) ensure effective coordination of ocean mapping, exploration, and characterization activities among programs described in subparagraph (C);
(F) identify opportunities for combining overlapping or complementary needs, activities, or existing programs or other resources across Federal agencies and non-Federal organizations relating to ocean mapping, exploration, and characterization while not reducing benefits from existing mapping, explorations, and characterization activities;

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘‘appropriate committees of Congress’’ means—

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

(2) the Committee on Natural Resources, the Committee on Commerce, Science, and Transportation, and the Committee on Armed Services of the House of Representatives.

SEC. 5406. MODIFICATIONS TO THE OCEAN EXPLORATION AND UNDERRSEA RESEARCH ACT OF THE UNITED STATES (33 U.S.C. 3401 et seq.).

(a) PURPOSE.—Section 12003 of the Omnibus Public Land Management Act of 2009 (33 U.S.C. 3401) is amended by striking ‘‘and the national undersea research program’’ and inserting ‘‘and the national undersea research and ocean exploration and characterizing the oceans, the Administrator may—

(A) discuss the utility and benefits of the National Oceanic and Atmospheric Administration Act (33 U.S.C. 3502).

(b) IN GENERAL.—Section 12003(a) of such Act (33 U.S.C. 3402) is amended—

(i) in the matter preceding paragraph (1), by inserting ‘‘, in coordination with the Ocean Policy Council established under section 9003(a) of the United States Code,’’ after ‘‘Administration’’;

(ii) in paragraph (1)—

(A) by striking ‘‘voyages’’ and inserting ‘‘expeditions’’; and

(B) in the second sentence, by striking ‘‘and undersea research and exploration’’ and inserting ‘‘research and ocean exploration and characterization efforts’’; and

(c) POWERS AND DUTIES OF THE ADMINISTRATOR.—

(i) IN GENERAL.—Section 12003(a) of such Act (33 U.S.C. 3402) is amended—

(A) in the matter preceding paragraph (1), by inserting ‘‘, in coordination with the Ocean Policy Council established under section 9003(a) of the United States Code.’’;

(ii) in paragraph (1)—

(A) in the matter preceding paragraph (2), by inserting ‘‘undersea and oceanographic data to support national security equities;’’;

(B) in paragraph (2)—

(i) by striking ‘‘Federal agencies’’ and all that follows through ‘‘survey’’ and inserting ‘‘Federal and State agencies, Tribal governments, academia, and nongovernmental organizations, to map, explore, and characterize;’’ and

(ii) in paragraph (3), by striking ‘‘expeditions’’; and

(E) in paragraph (4), by striking ‘‘in consultation with the National Science Foundation’’.

(F) by amending paragraph (5) to read as follows—

(5) support technological innovation of the United States marine science community by promoting the development and use of new and emerging technologies for research, communication, navigation, and data collection, such as sensors and autonomous vehicles;’’;

(G) in paragraph (6)—

(i) by inserting ‘‘, in collaboration with the National Ocean Mapping, Exploration, and Characterization Council established under section 5405 of the National Ocean Exploration and Characterization Act, after ‘‘for mapping, exploring, and characterization’’, and inserting ‘‘, except as provided in coordination with the National Ocean Mapping, Exploration, and Characterization Council, to Federal and State agencies, Tribal governments, private interests (including schools, community colleges, and universities), and nongovernmental organizations for the development of ocean and coastal resources, including data collection and coordination of data collection, compilation, processing, archiving, and dissemination for data relating to ocean exploration, mapping, and characterization’’; and

(ii) by striking the period at the end and inserting ‘‘; and’’;

(H) by adding at the end the following—

‘‘(1) provide guidance, in coordination with the National Ocean Mapping, Exploration, and Characterization Council, to Federal and State agencies, Tribal governments, private interests (including schools, community colleges, and universities), and nongovernmental organizations for the development of ocean and coastal resources, including data collection and coordination of data collection, compilation, processing, archiving, and dissemination for data relating to ocean exploration, mapping, and characterization.’’

(2) DONATIONS.—Section 12003(b) of such Act (33 U.S.C. 3403(b)) is amended to read as follows—

‘‘(b) DONATIONS.—For the purpose of mapping, exploring, and characterizing the oceans, or increasing the knowledge of the oceans, the Administrator may accept donations of property, data, and equipment; and

(2) pay all necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest.’’.

(3) DEFINITION OF EXCLUSIVE ECONOMIC ZONE.—Section 12003 of such Act (33 U.S.C. 3403) is amended by adding at the end the following—

‘‘(c) DEFINITION OF EXCLUSIVE ECONOMIC ZONE.—In this section, the term ‘exclusive economic zone’ means the zone established by Presidential Proclamation Number 5030, dated March 10, 1983 (16 U.S.C. 1453 note; relating to the exclusive economic zone of the United States of America).’’

(4) REPEAL OF OCEAN EXPLORATION AND UNDERRSEA RESEARCH ACT OF THE UNITED STATES (33 U.S.C. 3401 et seq.).

Sec. 12004. EDUCATION, WORKFORCE TRAINING, AND OUTREACH.

(1) IN GENERAL.—Such Act is further amended by inserting after section 12003 the following new section 12004:

‘‘SEC. 12004. EDUCATION, WORKFORCE TRAINING, AND OUTREACH.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct education and outreach efforts in order to broadly disseminate information to the public on the discoveries made under the program under section 12002; and

(2) to the extent possible, coordinate the efforts described in paragraph (1) with the outreach strategies of other domestic or international ocean mapping, exploration, and characterization initiatives.

(b) EDUCATION AND OUTREACH EFFORTS.—

(1) EFFECTS.—Education and outreach efforts described in subsection (a)(1) may include—

(1) education of the general public, teachers, students, and ocean and coastal resource managers; and

(2) workforce training, reskilling, and opportunities to encourage development of ocean and coastal science, technology, engineering, and mathematics (STEM) technical training programs involving secondary schools, community colleges, and universities, including Historically Black Colleges or Universities (within the meaning of the term ‘‘part B institution’’ as defined in section 316(b) of such Act (20 U.S.C. 1069(b))), and other minority-serving institutions (as described in section 371(a) of such Act (20 U.S.C. 1059c)), and other minority-serving institutions.

(c) OUTREACH STRATEGY.—Not later than 180 days after the date of the enactment of
the National Ocean Exploration Act, the Administrator of the National Oceanic and Atmospheric Administration shall develop an outreach strategy to broadly disseminate information on the discoveries made by the program under section 12002.

(2) CLERICAL AMENDMENT.—The table of contents in section (b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991) is amended by inserting after "Coastal Mapping Agency Committee Established Under Section 5405 of the National Oceanic Exploration Act" after "(advising the Administrator)."

(2) TECHNICAL AMENDMENT.—Section 12005(a)(1) of such Act (33 U.S.C. 3505(a)(1)) is amended by inserting "the" before "part".

(a) ESTABLISHMENT.—Section 12006 of such Act (33 U.S.C. 3406) is amended by striking "this" and all that follows and inserting "this part".

(b) DEFINITIONS.—Such Act is further amended by inserting after section 12006 the following:

**SEC. 12007. DEFINITIONS.**

"In this part:

"(1) CHARACTERIZATION.—The term 'characterization', "characterize", and 'characterizing' refer to activities that provide comprehensive data and interpretations for a specific area of interest of the seafloor, sub-bottom, water column, or hydrologic features, such as water masses and currents, in direct support of specific research, environmental protection, resource management, policymaking, or applied mission objectives.

"(2) EXPLORATION.—The term 'exploration', 'explore', and 'exploring' refer to activities that provide—

"(A) a multidisciplinary view of an unknown or poorly understood area of the seafloor, sub-bottom, water column, or other water column;

"(B) an initial assessment of the physical, chemical, geological, biological, archaeological, or other characteristics of such an area.

"(3) MAPPING.—The terms 'map' and 'mapping' refer to activities that provide comprehensive data and interpretations needed to understand seafloor characteristics, such as depth, topography, bathymetry, sediment composition and distribution, underlying geologic structure, and benthic flora and fauna.

"(4) WORKING GROUP.—The term 'Working Group' means the Interagency Working Group on Ocean and Coastal Mapping, the Interagency Working Group on Ocean and Coastal Mapping under section 12203; the Interagency Working Group on Ocean and Coastal Mapping under section 12203; the Interagency Working Group on Ocean and Coastal Mapping under section 12203; the Interagency Working Group on Ocean and Coastal Mapping under section 12203; the Interagency Working Group on Ocean and Coastal Mapping under section 12203; and the Interagency Working Group on Ocean and Coastal Mapping under section 12203.

"(5) MEETINGS.—Section 12203(e) of such Act (33 U.S.C. 3502(e)) is amended by striking "the" and inserting "each subordinate group and".

"(6) M EMBERSHIP.—Section 12203(b) of such Act (33 U.S.C. 3502(b)) is amended by inserting paragraphs (1) through (5) and inserting the following:

"(1) Federal co-chairs; 11(2) international mapping activities; (3) coastal states; (4) coastal Indian Tribes; (5) State agencies, Tribal governments, private industry, academia, and nongovernmental organizations; (6) representatives of nongovernmental entities.

"(7) COORDINATION.—Section 12203(f) of such Act (33 U.S.C. 3502(f)) is amended by striking paragraph (1) and inserting the following:

"(1) Other Federal efforts; (2) international mapping activities; (3) coastal states; (4) coastal Indian Tribes; (5) State agencies, Tribal governments, private industry, academia, and nongovernmental organizations; and (6) representatives of nongovernmental entities.

"(8) ADVISORY PANEL.—Section 12203 of such Act (33 U.S.C. 3502) is amended by striking subsection (g).
striking the item relating to section 12203 and inserting the following:

“Sec. 12203. Interagency working group on ocean and coastal mapping.

(c) BIPARTISAN REPORTS.—Section 12204 of the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3503) is amended—

(1) in the matter preceding paragraph (1), by striking “No later” and all that follows through “of Representatives’”; and

(2) in paragraph (4), by inserting “and uncrewed” after “sensing.”

(7) in paragraph (12), as redesignated by subsection (a), by striking the period at the end and inserting a semicolon; and

(8) in paragraph (13), by striking “is” and inserting “are”.

(b) INTEGRATION AND THE COMMITTEE.—The Ocean and Coastal Mapping Federal Integration and the Committee on Science, Space, and Technology of the House of Representatives.”;

(b) RULES.—The Administrator shall develop administrative and procedural rules for the ocean and coastal mapping Federal funding match opportunity developed under subsection (a), to include—

(1) specific and detailed criteria that must be met by an applicant, such as granting, agreements, or contracts; and

(2) determination of the appropriate funding match amount and mechanisms to use, such as grants, agreements, or contracts.

(c) OCEAN AND COASTAL MAPPING FEDERAL FUNDING OPPORTUNITY.—The Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.) is amended—

(1) by redesigning sections 12206, 12207, and 12208 as sections 12206, 12209, and 12210, respectively; and

(2) by inserting after section 12205 the following:

“SEC. 12206. OCEAN AND COASTAL MAPPING FEDERAL FUNDING OPPORTUNITY.

(a) IN GENERAL.—Not later than one year after the date of the enactment of the National Ocean Exploration Act, the Administrator shall disseminate an ocean and coastal mapping Federal funding match opportunity, to be known as the ‘Brennan Ocean and Coastal Mapping Federal Funding Match Opportunity’ in memory of Rear Admiral Richard T. Brennan, within the National Oceanic and Atmospheric Administration with Federal, State, Tribal, local, nonprofit, private, academic partners in order to increase the coordinated acquisition, processing, stewardship, and archiving of ocean and coastal mapping data in United States waters.

(b) RULES.—The Administrator shall develop administrative and procedural rules for the ocean and coastal mapping Federal funding match opportunity developed under subsection (a), to include—

(1) specific and detailed criteria that must be met by an applicant, such as a geographic overlap with pre-established priorities, number and type of project partners, benefit to the applicant, coordination with other funding opportunities, and benefit to the public;

(2) determination of the appropriate funding match amounts and mechanisms to use, such as grants, agreements, or contracts; and

(3) other funding award criteria as are necessary or appropriate to ensure that evaluations of proposals and decisions to award funding are based on objective standards applied fairly and equitably to those proposals.

(c) GEOSPATIAL SERVICES AND CONTRACT Vehicles.—The Administrator shall disseminate an ocean and coastal mapping Federal funding match opportunity developed under subsection (a) shall leverage Federal, State, Tribal, local, nonprofit, private, academic partners in order to increase the coordinated acquisition, processing, stewardship, and archiving of ocean and coastal mapping data in United States waters.

(d) AWARD CRITERIA.—The Administrator shall establish award criteria, as are necessary or appropriate to ensure that evaluations of proposals and decisions to award funding are based on objective standards applied fairly and equitably to those proposals.

(e) DEFINITIONS.—Section 302(4)(A) of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892a(4)) is amended—

(1) by striking “hydrographic forecast and datum transformation models” after “nautical information databases.”

(b) FUNCTIONS OF THE ADMINISTRATOR.—Section 303(b) of such Act (33 U.S.C. 892a(b)) is amended—

(1) by inserting “navigation,” after “promote”; and

(2) in paragraph (2)—

(A) by striking “3” and inserting “three”;

(B) by striking “SEC. 12207. AGREEMENTS AND FINANCIAL ASSISTANCE.

(a) AGREEMENTS.—The head of a Federal agency that is responsible for the Ocean and Coastal Mapping or the Committee on Science, Space, and Technology may enter into agreements with any other agency that is so represented to provide, on a reimbursable or nonreimbursable basis, such as grants, agreements, or contracts.

(b) QUALITY ASSURANCE PROGRAM.—Section 306 of such Act (33 U.S.C. 892a(c)) is amended by striking “product produced” and inserting “product or service produced or disseminated.”

(c) AUTORIZATION OF APPROPRIATIONS.—Section 307 of such Act (33 U.S.C. 892a(d)) is amended—
(1) in paragraph (1), by striking "$70,814,000 for each of fiscal years 2019 through 2023" and inserting "$71,000,000 for each of fiscal years 2023 through 2028"; (2) in paragraph (2), by striking "$25,000,000 for each of fiscal years 2019 through 2023" and inserting "$34,000,000 for each of fiscal years 2023 through 2028"; (3) in paragraph (3), by striking "$29,932,000 for each of fiscal years 2019 through 2023" and inserting "$38,000,000 for each of fiscal years 2023 through 2028"; (4) in the proviso, by striking "$26,800,000 for each of fiscal years 2019 through 2023" and inserting "$45,000,000 for each of fiscal years 2023 through 2028"; and (5) in paragraph (4), by striking "$30,564,000 for each of fiscal years 2019 through 2023" and inserting "$35,000,000 for each of fiscal years 2023 through 2028."
(2) In subsection (c)—
(A) in paragraph (2), by striking “and” at the end; and
(B) in paragraph (3), by striking the period at the end and inserting semicolon; and
(C) by adding at the end the following: “(4) not more than $250,000 per person, as determined by the Secretary of Commerce, from the current, current year, or any applicable reporting requirements of the United States Fish and Wildlife Service for species under its management jurisdiction.”

SEC. 5505. LIABILITY.
Section 407 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f) is amended, in the matter preceding paragraph (1)—
(1) by inserting “or entanglement” after “to a stranding”; and
(2) by striking “government” and inserting “Government”.

SEC. 5506. NATIONAL MARINE MAMMAL TISSUE BANK AND TISSUE ANALYSIS.
Section 405 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421e) is amended, in the matter preceding paragraph (1)—
(1) by striking the section heading and inserting “MARINE MAMMAL RESCUE AND RESPONSE GRANT PROGRAM AND RAPID RESPONSE FUND”;
(2) by striking subsections (a) through (d) and redesignating subsection (e) as subsection (f); and
(3) by inserting before subsection (f), as redesignated by paragraph (3), the following:
“(c) JOSEPH R. GERACI MARINE MAMMAL RESCUE AND RAPID RESPONSE FUND.—
“(1) IN GENERAL.—There is established in the Treasury of the United States an interest-bearing fund, to be known as the ‘Joseph R. Geraci Marine Mammal Rescue and Rapid Response Fund’ (referred to in this section as the ‘Fund’), which shall consist of—
“(A) sums received from—
“(i) the ‘Emergency Award Flexibility’ funds of the Marine Mammal Research and Response Act of 2022;
“(ii) the ‘Emergency Award Flexibility’ funds of the Marine Mammal Conservation Act of 2022; and
“(iii) any amounts from other sources necessary to accomplish the purposes of this section;
“(B) sums received from gifts, devises, and bequests; and
“(C) sums authorized to be appropriated to the Fund in future years.
“(2) USE OF FUNDS.—The Secretary shall make publicly available a list of grant proposals for the upcoming fiscal year, funded grants, and requests for grant flexibility under this section.
“(3) ADMINISTRATIVE COSTS AND EXPENSES.—The Secretary shall maintain records of—
“(A) the notice process; and
“(B) any administrative costs and expenses related to awarding grants under the grant program, in any fiscal year.
“(4) AUTHORIZATION OF APPROPRIATIONS.—
“(A) IN GENERAL.—There is authorized to be appropriated to the Secretary for each fiscal year—
“(i) $6,000,000 shall be made available to the Secretary of Commerce; and
“(ii) $1,000,000 shall be made available to the Secretary of the Interior.
“(B) DERIVATION OF FUNDS.—Funds to carry out the activities under this section shall be derived from amounts authorized to be appropriated pursuant to subparagraph (A) that are enacted after the date of enactment of this Act.
“(C) ACCEPTANCE OF DONATIONS.—For the purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests without any further approval or administrative action.”.
(b) TECHNICAL EDITS.—Section 408 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1221f–1), as amended by subsection (a), is further amended in subsection (f)(1) and (2), by striking the item related to section 408 the following:

(1) the item related to section 408 the following:

(A) the item related to section 408 the following:

(B) the item related to section 408 the following:

(C) the item related to section 408 the following:

(D) the item related to section 408 the following:

(E) the item related to section 408 the following:

(F) the item related to section 408 the following:

(G) the item related to section 408 the following:

(H) the item related to section 408 the following:

I. MAMMAL PROTECTION ACT OF 1972 (PUBLIC LAW 92–522; 86 STAT. 1027) (AS AMENDED BY SECTION 5506(b)) IS AMENDED BY STRIKING THE ITEM RELATED TO SECTION 408 AND INSERTING THE FOLLOWING:

Sec. 408. Marine Mammal Rescue and Response Grant Program and Rapid Response Fund.

SEC. 5508. HEALTH MAP.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421 et seq.) is amended by inserting after section 407 the following:

SEC. 408A. MARINE MAMMAL HEALTH MONITORING AND ANALYSIS PLATFORM (HEALTH MAP).

(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Marine Mammal Research and Response Act of 2022, the Secretary, acting through the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Secretary of the Interior and the Marine Mammal Commission shall—

(A) establish a marine mammal health monitoring and analysis platform (referred to in this Act as the ‘‘Health MAP’’);

(B) incorporate the Health MAP into the Observation System; and

(C) make the Health MAP—

(a) publicly accessible through the web portal of the Observation System; and

(b) interoperable with other national data systems or other data systems for management or research purposes, as practicable.

(2) PURPOSES.—The purposes of the Health MAP are—

(A) to enhance data and information availability, including data sharing among stranding network participants, scientists, and the public, within and across stranding network regions;

(B) to facilitate data and information access across scientific disciplines, scientists, and managers;

(C) to facilitate public access to national and regional marine mammal health, stranding, entanglement, and mortality data, including visualizations and metadata, through the national and regional data portals of the Observation System; and

(D) in consultation with input from States, and stranding network participants.

(3) PROCEDURES AND GUIDELINES.—The Secretary shall establish and implement policy, protocols, and standards for—

(A) reporting marine mammal health data collected by stranding networks consistent with subsections (c) and (d) of section 402;

(B) promptly transmitting health data from the stranding networks and other appropriate data providers to the Health MAP; and

(C) disseminating and making publicly available data on marine mammal health, stranding, entanglement, and mortality data in a timely and sustained manner; and

(4) INTERRAPID COMMUNICATION AND DISSEMINATION.

The Secretary shall establish and implement policies, protocols, and standards to—

(A) report marine mammal health data to predict broader ecosystem events and changes that may impact marine mammal or human health and specific examples of proven or potential uses of Observation System data for those purposes; and

(B) recommendations for the Health MAP with respect to—

(i) filling any identified data gaps; and

(ii) standards that could be used to improve data quality, accessibility, transmission, interoperability, and sharing;

(iii) any other strategies that would contribute to the effectiveness and usefulness of the Health MAP; and

(iv) the funding levels needed to maintain and improve the Health MAP.

(5)inquiring and analyzing the data gap analysis described in paragraph (2)(b)(1).

(b) T ECHNICAL EDITS.—Section 408 of the Marine Mammal Protection Act of 1972 (Public Law 92–522; 86 Stat. 1027) (as amended by section 5506(b)) is amended by inserting after section 407 the following:

Sec. 408A. Marine Mammal Health Monitoring and Analysis Platform (Health MAP).

(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Marine Mammal Research and Response Act of 2022, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Marine Mammal Commission and the Director of the United States Fish and Wildlife Service, shall—

(A) make publicly available a report on the data gap analysis described in paragraph (2); and

(B) provide a briefing to the appropriate committees of Congress concerning that data gap analysis.

(2) REQUIREMENTS.—The data gap analysis under paragraph (1) shall include—

(A) an overview of existing participants within a marine mammal stranding network;

(B) an identification of coverage needs and participant gaps within a network;

(C) an identification of data and reporting gaps from numbers of networks and for the Marine Mammal Commission and the Director of the United States Fish and Wildlife Service;

(D) an analysis of how stranding and health data are shared and made available to scientists, academics, State, local, and Tribal governments, private partners, Federal, State, local, and Tribal governments, and the public.

(3) TECHNICAL EDITS.—Section 408 of the Marine Mammal Protection Act of 1972 (Public Law 92–522; 86 Stat. 1027) (as amended by section 5506(b)) is amended by inserting after section 407 the following:

Sec. 408A. Marine Mammal Health Monitoring and Analysis Platform (Health MAP).

(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Marine Mammal Research and Response Act of 2022, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Marine Mammal Commission and the Director of the United States Fish and Wildlife Service, shall—

(A) make publicly available a report on the data gap analysis described in paragraph (2); and

(B) provide a briefing to the appropriate committees of Congress concerning that data gap analysis.

(2) REQUIREMENTS.—The data gap analysis under paragraph (1) shall include—

(A) an overview of existing participants within a marine mammal stranding network;

(B) an identification of coverage needs and participant gaps within a network;

(C) an identification of data and reporting gaps from numbers of networks and for the Marine Mammal Commission and the Director of the United States Fish and Wildlife Service;

(D) an analysis of how stranding and health data are shared and made available to scientists, academics, State, local, and Tribal governments, private partners, Federal, State, local, and Tribal governments, and the public.
SEC. 5511. DEFINITIONS.

(a) The term ‘entangle’ or ‘entanglement’ means a condition in which a living or dead marine mammal has gear, rope, line, or other material wrapped around or attached to the marine mammal and—

(1) The entanglement or entanglement results in harm; or

(2) The entanglement or entanglement is a threat of harm.

(b) The term ‘Mass Mortality’ means an event in the wild in which a living or dead marine mammal has a group or pod or school of marine mammals that is—

(1) Dead; or

(2) Critically endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)

(c) The term ‘Marine Mammal Health Monitoring and Analysis Platform’ means the Marine Mammal Health Monitoring and Analysis Platform established under section 408(a)(1).

(d) The term ‘Stranding Response Plan’ means the National Stranding Response Plan established under section 408(a)(2).


SEC. 5512. STUDY ON MARINE MAMMAL MORTALITY

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Undersecretary of Commerce for Oceans and Atmosphere shall, in consultation with the Secretary of the Interior and the Marine Mammal Commission, conduct a study evaluating the connections among marine heat waves, frequency and intensity of harmful algae blooms, availability, and habitat degradation, and the impacts of these conditions on marine mammal mortality.

(b) REQUIREMENTS.—The Undersecretary of Commerce for Oceans and Atmosphere, in consultation with the Secretary of the Interior and the Marine Mammal Commission, shall—

(1) prepare, post to a publicly available website, and brief the appropriate committees of Congress on a report containing the results of the study described in subsection (a); and

(2) in the report, identify priority research activities, opportunities for collaboration, and current gaps in effort and resource limitations related to advancing scientific understanding of how ocean heat waves, harmful algae blooms, and habitat degradation impact marine mammal mortality.

SEC. 5601. SHORT TITLE.

This title may be cited as the “Volcanic Ash and Fumes Act of 2022.”

SEC. 5602. MONITORING TO NATIONAL VOLCANIC EARLY WARNING AND MONITORING SYSTEM.

(a) DEFINITION.—Section 501 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (43 U.S.C. 31k) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following:

‘‘(2) SECRETARY OF COMMERCE.—The term ‘Secretary of Commerce’ means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere;’’;

and

(3) by adding at the end the following:

‘‘(4) VOLCANIC ASH ADVISORY CENTER.—The term ‘Volcanic Ash Advisory Center’ means an entity designated by the National Civil Aviation Organization that is responsible for informing aviation interests about the presence of volcanic ash in the airspace;’’;

(b) PURPOSES.—Subsection (b)(1)(B) of such section is amended—

(1) in clause (i), by striking “and” and inserting “and”;

(2) by striking the period at the end and inserting “;”;

and

(3) by adding at the end the following:

‘‘(A) to strengthen the warning and monitoring systems of volcanic observatories in the United States by integrating relevant capacitates of the National Oceanic and Atmospheric Administration, including with the Volcanic Ash Advisory Centers located in Anchorage, Alaska, and Washington, D.C., to develop and model emissions of gases, aerosols, and ash, atmospheric dynamics and chemistry, and ocean chemistry resulting from volcanic eruptions;’’;

(c) SYSTEM COMPONENTS.—Subsection (b)(2) of such section is amended—

(1) in subparagraph (B)—

(A) by striking “and” before “spectrometry”;

and

(2) by adding at the end the following:

‘‘(C) MEMORANDUM OF UNDERSTANDING.—The Secretary and the Secretary of Commerce shall develop and execute a memorandum of understanding, pursuant to cooperative support for the activities of the System from the National Oceanic and Atmospheric Administration, including environmental observations, modeling, and temporary duty assignments of personnel to support emergency activities, as necessary or appropriate.’’;

(d) MANAGEMENT.—Subsection (b)(3) of such section is amended—

(1) in paragraph (A), by adding at the end the following:

‘‘(ii) to develop the System in consultation with the Secretary of the Interior, and the National Oceanic and Atmospheric Administration, including observations and modeling of emissions of gases, aerosols, and ash, atmospheric dynamics and chemistry, and ocean chemistry resulting from volcanic eruptions;’’;

and

(2) by adding at the end the following:

‘‘(E) COLLABORATION.—The Secretary of Commerce shall collaborate with the Secretary to implement activities carried out under this section related to the expertise of the National Oceanic and Atmospheric Administration, including observations and modeling of emissions of gases, aerosols, and ash, atmospheric dynamics and chemistry, and ocean chemistry resulting from volcanic eruptions.’’;

(e) FUNDING.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by inserting “United States Oceanographic Survey” after “Appropriations”; and

(B) by inserting “and” after “United States Geologic Survey” after “Appropriations”;

(2) by redesigning paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

‘‘(C) FUNDING.—There is authorized to be appropriated to the National Oceanic and Atmospheric Administration of the United States Government for fiscal years 2023 through 2028—

(1) grants to the National Oceanographic and Atmospheric Administration to fund the implementation of programs; and

(2) for the development and forecasting of research and development;’’;

(f) IMPLEMENTATION.—Subsection (d) of such section is amended—

(1) by redesigning paragraph (1) as paragraph (2);

(2) by striking “fiscal years 2023 through 2028” and inserting “fiscal years 2023 through 2028”;

and

(3) by adding at the end the following:

‘‘(D) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of the Interior, shall develop a plan to implement the
amendments made by this Act during the 5-year period beginning on the date on which the plan is developed.

(2) ELEMENTS.—The plan developed under paragraph (1) shall include an estimate of the cost and schedule required for the implementation described in such paragraph.

(3) PUBLIC AVAILABILITY.—Upon completion of the plan developed under paragraph (1), the Secretary of Commerce shall make the plan publicly available.

TITLe LVI.—WILDFIRE AND FIRE WEATHER PREPAREDNESS

SEC. 5701. SHORT TITLE. This title may be cited as the “Fire Ready Nation Act of 2022”.

SEC. 5702. DEFINITIONS. In this title:

(1) ADMINISTRATION.—The term “Administration” means the National Oceanic and Atmospheric Administration.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Science, Space, and Technology of the House of Representatives.

(3) EARTH SYSTEM MODEL.—The term “Earth system model” means a mathematical model containing all relevant components of the Earth, namely the atmosphere, oceans, land, cryosphere, and biosphere.

(4) FIRE ENVIRONMENT.—The term “fire environment” means—

(A) the environmental conditions, such as soil moisture, vegetation, topography, snowpack, atmospheric temperature, moisture, and wind, that influence—

(i) fuel and fire behavior; and

(ii) smoke dispersion and transport; and

(B) the associated environmental impacts occurring during and after fire events.

(5) FIRE WEATHER.—The term “fire weather” means the weather conditions that influence the start, spread, character, or behavior of wildfires or fires at the wildland-urban interface and relevant meteorological and chemical phenomena, including air quality, smoke, and meteorological parameters such as relative humidity, air temperature, wind, precipitation, and atmospheric composition and chemistry, including emissions and mixing heights.

(6) IMPACT-BASED DECISION SUPPORT SERVICES.—The term “impact-based decision support services” means forecast advice and interpretative services the Administration provides to help core partners, such as emergency personnel and public safety officials, make decisions when weather, water, and climate impact the lives and livelihoods of the people of the United States.

(7) NSS.C.—The term “NSS.C.” has the meaning given that term in section 2 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8510).

(8) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(9) SMoke.—The term “smoke” means emissions, including the gases and particles released into the air as a result of combustion.

(10) STATE.—The term “State” means a State, the District of Columbia, the Commonwealth and Territories of the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Federated States of Micronesia, the Republic of Palau, the Republic of Marshall Islands, or the Republic of Palau.

(11) SUBSEASONAL.—The term “subseasonal” has the meaning given that term in section 2 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8510).

(12) TRIBAL GOVERNMENT.—The term “Tribal government” means the recognized gov- erning body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, council, or other entity that the Secretary of Commerce, in coordination with Tribal governments and communities, determines to have jurisdiction over, directly or through a Tribal or local government, a defined area, zone, or region of transition between Federal, State, and Tribal governments, and with other Tribal or local governments and communities, to implement Tribal programs, policies, and activities that—

(A) are capable of prediction and forecasting across relevant spatial and temporal timescales; and

(B) incorporate emerging techniques such as artificial intelligence, machine learning, and cloud computing.

(13) UNDER SECRETARY.—The term “Under Secretary” means the Under Secretary of Commerce for Oceans and Atmosphere.

(14) WEATHER ENTERPRISE.—The term “weather enterprise” has the meaning given that term in section 2 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501).

(15) WILDFIRE.—The term “wildfire” means any non-structure fire that occurs in vegeta- tion or natural fuels, originating from an un- planned ignition.

(16) WILDLAND-URBAN INTERFACE.—The term “wildland-urban interface” means the area, zone, or region of transition between unoccupied or undeveloped land and human development where structures and other human developments may intermingle with undeveloped wildland or vegetative fuels.

SEC. 5703. ESTABLISHMENT OF FIRE WEATHER SERVICES PROGRAM

(a) IN GENERAL.—The Under Secretary shall establish and maintain a coordinated fire weather services program among the offices of the Administration in existence as of the date of the enactment of this Act and designated by the Under Secretary.

(b) PROGRAM FUNCTIONS.—The functions of the program established under subsection (a), consistent with the priorities described in section 101 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8513), shall include—

(1) to support readiness, responsiveness, understanding, and overall resilience of the United States to wildfires, fire weather, smoke, and other associated conditions, haz- ards, and impacts in built and natural envi- ronments and at the wildland-urban interace;

(2) to collaboratively develop and dissemi- nate accurate, precise, effective, and timely weather, smoke, and other associated condi- tions, hazards, and impacts, as applicable, with Federal land management agencies;

(3) to partner with and support the public, Federal, Tribal, and academic and local partners through the development of capabilities, impact-based decision support services, and overall service delivery and utility;

(4) to conduct and support research and development of new and innovative models, technologies, techniques, products, systems, procedures, and policies to improve under- standing of wildfires, fire weather, air quality, and the fire environment;

(5) to develop strong research-to-oper- ations and operations-to-research transi- tions, in order to facilitate delivery of prod- ucts, services, and tools to operational users and platforms; and

(6) to develop, in coordination with Federal land management agencies and the Armed Forces, as appropriate, impact-based decision support services that operationalize and integrate the functions described in paragraph (1) through (5) in order to provide comprehensive impact-based decision support services that encompass the fire envi- ronment.

(c) PROGRAM PRIORITIES.—In developing and implementing the program established under subsection (a), the Under Secretary shall prioritize—

(1) development of a fire weather-enabled Earth system model and data assimilation system that—

(A) are capable of prediction and fore- casting across relevant spatial and temporal timescales; and

(B) incorporate emerging techniques such as artificial intelligence, machine learning, and cloud computing;

(2) advancement of existing and new obser- vational capabilities, including satellite- based, airborne, and space-based systems and technologies and social networking and other public information-gathering applica- tions that—

(A) identify—

(i) high-risk pre-ignition conditions; and

(ii) conditions that influence fire behavior and spread including those conditions that support active fire events; and

(iii) fire risk values; and

(B) support real-time notification and monitoring of ignitions;

(c) support observations and data collec- tion of fire weather and fire environment variables, including smoke, for development of the model and systems under paragraph (1); and

(D) support forecasts and advancing under- standing and research of the impacts of wildfires on military activities, human health, ecosystems, climate, transportation, and economies; and

(3) development and implementation of ad- vanced and user-oriented impact-based decision tools, science, and technologies that—

(A) ensure real-time and retrospective data, products, and services are findable, access- able, interoperable, usable, informative, fur- ther research, and are analysis- and decision- ready;

(B) provide targeted information through- out the fire lifecycle including pre-ignition, detection, forecasting, post-fire, and moni- toring phases; and

(C) support early assessment of post-fire hazards, such as air quality, debris flows, mudslides, and flooding.

(d) PROGRAM ACTIVITIES.—In developing and implementing the program established under subsection (a), the Under Secretary may—

(1) conduct relevant physical and social science research activities in support of the functions described in subsection (b) and the priorities described in subsection (c);

(2) conduct relevant activities, in coordina- tion with Federal land management agencies and Federal science agencies, to assess fuel characteristics, including moisture, loading, and other parameters used to determine fire risk, spread, and outlook; and

(3) support and conduct research that as- sesses impacts to marine, riverine, and other relevant ecosystems, which may include forest and rangeland ecosystems, resulting from activities associated with mitigation of and response to wildfires;

(4) support and conduct attribution science research relating to wildfires, fire weather, fire risk, smoke, and associated conditions, risks, and impacts;

(5) develop smoke and air quality forecasts, forecasts, and guidance, and prescribed burn weather forecasts, and conduct research on the impact of such forecasts on response be- havior that minimizes health-related im- pacts from smoke exposure.

(e) use, in coordination with Federal land management agencies, wildland fire resource
intelligence to inform fire environment impact-based decision support products and services for safety; (7) work with Federal agencies to provide data, products, and services known as the ‘‘determinations by such agencies for the implementation of mitigation measures; (8) provide training and support to ensure effective coordination of all elements of the impact-based decision support products and guidance to the public regarding actions needing to be taken; (9) provide comprehensive training to ensure staff of the program established under subsection (a) is properly equipped to deliver the impact-based decision support products and services described in paragraphs (1) through (6); and (10) acquire through contracted purchase private sector-produced observational data to fill identified gaps, as needed.

(e) COLLABORATION; AGREEMENTS.—
(1) COLLABORATION.—The Under Secretary shall, as the Under Secretary considers appropriate, collaborate with and consult with partners in the weather and climate enterprises, academic institutions, States, Tribal governments, local partners, and Federal agencies, including the management agencies, and agencies, in the development and implementation of the program established under subsection (a).

(2) AGREEMENTS.—The Under Secretary may enter into agreements in support of the functions described in subsection (b), the priorities described in subsection (c), the activities described in subsection (d), and the activities carried out under section 5708.

(f) PROGRAM ADMINISTRATION PLAN.—
(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the appropriate committees of Congress a plan that details how the program established under subsection (a) will be administered and governed within the Administration.

(2) ELEMENTS.—The plan required by paragraph (1) should include a description of—
(A) how the functions described in subsection (b), the priorities described in subsection (c), the activities described in subsection (d), and the activities carried out under section 5708 will be distributed among the line offices of the Administration; and
(B) the mechanisms in place to ensure seamless coordination among those offices.

SEC. 5704. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION DATA MANAGEMENT.

Section 301 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531) is amended—
(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and
(2) by inserting after subsection (e) the following:

‘‘(f) DATA AVAILABILITY AND MANAGEMENT.—
‘‘(1) IN GENERAL.—The Under Secretary shall—

‘‘(A) make data and metadata generated or collected by the National Oceanic and Atmospheric Administration that the Under Secretary has the legal right to redistribute fully and openly available, in accordance with the National Geospatial-Intelligence Act of 2001 (8 U.S.C. 503a) and the implementing regulations under that Act, and in accordance with the Federal Records Act of 1950, in order to maximize use of such data and metadata; and

‘‘(B) manage and steward the access, archival, and preservation activities for the data and metadata described in subparagraph (A) by—

‘‘(i) using—

‘‘(I) enterprise-wide infrastructure, emerging technologies, commercial partnerships, and the skilled workforce needed to provide appropriate data management from collection to broad access; and

‘‘(II) associated information services; and

‘‘(ii) pursuing the maximum interoperability of data and information by—

‘‘(I) integrating information, knowledge, and tools across the Federal Government to support equitable access, cross-sectorial collaboration and innovation, and local planning and decision-making; and

‘‘(II) developing standards and practices for the adoption and citation of digital object identifiers for datasets, models, and analytical tools.

‘‘(2) COLLABORATION.—In carrying out this subsection, the Under Secretary shall collaborate with such Federal partners and stakeholders as the Under Secretary considers relevant—

‘‘(A) to develop standards to pursue maximum interoperability of data, information, knowledge, and tools across the Federal Government, convert historical records into common digital formats, and improve access and usability of data by partners and stakeholders;

‘‘(B) to identify and solicit relevant data from Federal and international partners and other relevant stakeholders, as the Under Secretary considers appropriate;

‘‘(C) to develop standards and practices for the adoption and citation of digital object identifiers for datasets, models, and analytical tools; and

‘‘(D) to ensure that, to the maximum extent possible, data access and distribution is compatible with national security equities.’’.

SEC. 5706. HIGH-PERFORMANCE SERVICES AND DATA MANAGEMENT.

(a) IN GENERAL.—The Under Secretary shall—

(1) establish a fire weather testbed that enables engagement across the Federal Government, State and local governments, academia, private and federal partners that will include the Federal Government, private sector, and end-users in order to evaluate the accuracy and usability of technology, models, fire weather products and services, and other research to accelerate the implementation, transition to operations, and use of new capabilities by the Administration, Federal and land management agencies, and other relevant stakeholders.

(b) UNCREWED AIRCRAFT SYSTEMS.—

(1) IN GENERAL.—The Under Secretary shall—

(A) research and assess the role and potential of uncrewed aircraft systems for improving fire weather forecasts and address fire-related issues and needs.

(B) INTERNET-BASED TOOLS.—In carrying out subsections (a) and (b), the Under Secretary shall develop and implement internet-based tools, such as webpages and smartphone and other mobile applications, to increase utility and access to services and products for the benefit of users.

SEC. 5706. HIGH-PERFORMANCE COMPUTING.

(a) IN GENERAL.—The Under Secretary shall seek to acquire sufficient high-performance computing resources and capacity for research and operational use in support of the program established under section 5703(a).

(b) CONSIDERATIONS.—In acquiring high-performance computing capacity under subsection (a), the Under Secretary shall consider the following:

(1) conducting research and development;

(2) the transition of research and development to operational systems and other remote data technology, including for communication and coordination between the stakeholders described in subsection (a); and

SEC. 5707. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON FIRE WEATHER TESTBED.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the program established under section 5703(a).

(b) ELEMENTS.—The report required by subsection (a) shall—

(1) evaluate the performance of the program by establishing initial baseline capabilities and tracking progress made toward fully operationalizing the functions described in section 5703(b); and

(2) include such other recommendations as the Comptroller General considers appropriate to improve the program.
(C) WAIVER.—The Under Secretary may waive the prohibition under subparagraph (A) on a case-by-case basis—

(1) with the approval of the Secretary of Homeland Security or the Secretary of Defense; and

(2) upon notification to Congress.

(D) DEFINITIONS.—In this paragraph:

(1) UNMANNED AIRCRAFT.—The term ‘‘unmanned aircraft’’ means an aircraft other than an ‘‘unmanned aircraft system’’ as defined under section 44801 of title 49, United States Code.

(E) UNMANNED AIRCRAFT SYSTEM.—The term ‘‘unmanned aircraft system’’ has the meaning given the term ‘‘unmanned aircraft system’’ in section 4801 of title 49, United States Code.

(IV) Any entity domiciled in the People’s Republic of China or subject to influence or control by the Government of the People’s Republic of China or by a government or organ of the People’s Republic of China, as determined by the Secretary of Homeland Security.

(V) Any subsidiary or affiliate of an entity described in subparagraphs (I) through (IV).

(II) COVERED UNCREWED AIRCRAFT SYSTEM.—The term ‘‘covered uncrewed aircraft system’’ means an unmanned aircraft system used by the Under Secretary under this subsection.

SEC. 5709. FIRE WEATHER SURVEYS AND ASSESSMENTS.

(a) ANNUAL POST-FIRE-WEATHER SEASON SURVEY AND ASSESSMENT.—The Under Secretary shall establish and maintain an incident meteorologist service within the National Weather Service that shall—

(b) INCLUSION OF EXISTING INCIDENT METEOROLOGISTS.—The Service shall include—

(c) STAFFING AND RESOURCES.—In establishing and maintaining the Service, the Under Secretary shall—

SEC. 5711. AUTOMATED SURFACE OBSERVING SYSTEM.

(a) JOINT ASSESSMENT AND PLAN.—The Under Secretary, in coordination with the Administrator of the Federal Aviation Administration and the Secretary of Defense shall—

(b) INSTRUCTION.—The Under Secretary shall—

Responsibility for each incident included in the survey shall be determined by the Under Secretary.

The Under Secretary shall seek to improve the number of post-wildfire community impact studies, including by surveying individual and collective responses and incorporating other applicable topics of social science research.

The Under Secretary shall provide a briefing to the appropriate committees of Congress that includes—

(c) GOAL.—In carrying out activities under this section, the Under Secretary shall—

(d) DATA AVAILABILITY.—The Under Secretary shall—

(e) COORDINATION.—In carrying out survey or assessment under this section, the Under Secretary shall coordinate with Federal agencies, Federal science agencies, and the Federal Aviation Administration to develop procedures for the appropriate deployment of the system in subparagraph (A).

(f) IN GENERAL.—The Under Secretary shall—

(f) SUPPORT FOR INCIDENT METEOROLOGISTS.—The Under Secretary may provide resources, access to real-time fire weather forecasts, training, administrative and logistical support, counseling or other forms of support as the Under Secretary considers appropriate for the betterment of the emotional and mental health and well-being of meteorologists and other employees of the Administration involved with response to high-impact and extreme fire weather events.

SEC. 5712. AUTOMATED SURFACE OBSERVING SYSTEM.

(a) JOINT ASSESSMENT AND PLAN.—The Under Secretary, in coordination with the Administrator of the Federal Aviation Administration and the Secretary of Defense shall—

(b) INSTRUCTION.—The Under Secretary shall—

(c) DATA AVAILABILITY.—The Under Secretary shall—

(d) DEPLOYMENT.—The Service shall be deployed—

(e) STAFFING AND RESOURCES.—In establishing and maintaining the Service, the Under Secretary shall—

(f) SYMBOL.—The Under Secretary may—

(g) AUTOMATED SURFACE OBSERVING SYSTEM.—The Under Secretary shall—

(h) DATA AVAILABILITY.—The Under Secretary shall—

SEC. 5710. FIRE WEATHER SURVEYS AND ASSESSMENTS.

(a) ANNUAL POST-FIRE-WEATHER SEASON SURVEY AND ASSESSMENT.—The Under Secretary shall—

(b) INCLUSION OF EXISTING INCIDENT METEOROLOGISTS.—The Service shall include—

Sec. 5710. Fire Weather Surveys and Assessments.

(a) Annual Post-Fire-Weather Season Survey and Assessment.—The Under Secretary shall—

(1) as determined by the Under Secretary or

(2) at the request of the head of another Federal agency and with the approval of the Under Secretary; or

(e) Staffing and Resources.—In establishing and maintaining the Service, the Under Secretary shall—

(c) Functions.—The Service shall provide—

(d) Deployment.—The Service shall be deployed—

(e) Staffing and Resources.—In establishing and maintaining the Service, the Under Secretary shall—

(f) Symbol.—The Under Secretary may—

(1) in general.—The Under Secretary may—

(2) use of symbol.—The Under Secretary may authorize the use of a symbol adopted under this subsection on any individual or entity as the Under Secretary considers appropriate.

(3) Contract Authority.—The Under Secretary may award contracts for the creation of symbols under this subsection.

(4) Offense.—It shall be unlawful for any person—

(A) to represent themselves as an official of the Service absent the designation or approval of the Under Secretary;

(B) to manufacture, reproduce, or otherwise use any symbol adopted by the Under Secretary under this subsection, including to sell any item bearing such a symbol, unless authorized by the Under Secretary;

(C) to violate any regulation promulgated by the Under Secretary under this subsection.

(g) Support for Incident Meteorologists.—The Under Secretary shall—

(iii) research, development, and transition funding to operations needed to develop advanced automated surface observing systems; and

(iv) improvements needed to reduce latency in reporting of observational data;

(v) relevant data to be collected for the prediction of forecast guidance relating to atmospheric composition, including particulate and air quality data, and aviation safety;

(vi) areas of concern regarding operational continuity and reliability of the system, which may include needs for on-night staff, particularly in remote and rural areas and where system failures would have the greatest negative impact to the community; and

(vii) stewardship, data handling, data distribution, and product generation needs arising from upgrading and changing the automated surface observing systems;

(viii) possible solutions for areas of concern identified under clause (vi), including work to extend to the system core of backup systems, power and communication system reliability, staffing needs and personnel location, and the acquisition of critical components; and

(ix) research, development, and transition to technologies needed to enhance automated surface observing systems, collection, quality control, and distribution so that the data are provided to...
models, users, and decision support systems in a timely manner; and
(B) develop and implement a plan that ad-
dresses the findings of the assessment con-
ducted under paragraph (A), including by seek-
ning and allocating resources necessary to
ensure that system upgrades are standard-
ized across the Administration, the Federal
Aviation Administration, and the Depart-
ment of Defense to the extent practicable.
(2) STANDAR DIZATION.—Any system stand-
ardization implemented under paragraph (1)(B), or not impeding activities to upgrade or improve individual units of the system.
(3) REMOTE AUTOMATIC WEATHER STATION
COORDINATION.—Under Secretary, in col-
laboration with relevant Federal agencies
and the National Interagency Fire Center,
shall assess and develop cooperative agree-
ments to ensure that the remote automatic weather sta-
tions, automated surface observation systems, smoke
monitoring platforms, and other similar sta-
tions and systems for weather and climate opera-
tions.
(b) REPORT TO CONGRESS.—
(1) IN GENERAL.—Not later than 2 years
after the enactment of this Act, the Under Secretary, in collaboration with the Administrator of the Federal Aviation Administration and the Secretary of Defense, shall submit to Congress a report that—
(A) details the findings of the assessment
required by subparagraph (A) of subsection
(a)(1); and
(B) the plan required by subparagraph (B)
of such subsection.
(2) ELEMENTS.—The report required by paragraph (1) shall include a detailed assess-
ment of appropriations required—
(A) to address the findings of the assess-
ment required by subparagraph (A) of sub-
section (a)(1); and
(B) to implement the plan required by sub-
paragraph (B) of such subsection.
(c) GOVERNMENT ACCOUNTABILITY OFFICE
REPORT.—Not later than 4 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—
(1) evaluates the functionality, utility, re-
liability, and operational status of the auto-
mat ed surface observing system across the Admin-
istration, the Federal Aviation Admin-
istration, and the Department of Defense;
(2) evaluates the progress, performance, and implementa-
tion status of the plan required by sub-
section (a)(1)(B);
(3) assesses the efficacy of cross-agency colaboration and stakeholder engagement in carry-
 ing out the plan and provides rec-
ommendations to improve such activities;
(4) evaluates the operational continuity and reliability of the system, particularly in remote and rural areas and areas
where system failure would have the greatest negative impact to the community, and provides rec-
ommendations to improve such continuity and reliability;
(5) assesses Federal coordination regarding
the remote automatic weather station net-
work, air resource advisors, and other Fed-
eral observing assets used for weather and climate modeling and response activities, and
provides recommendations for improve-
ments; and
(6) includes such other recommendations as
the Comptroller General determines are
appropriate to improve the system.
SEC. 5712. EMERGENCY RESPONSE ACTIVITIES.
(a) In this section:
(1) BASIC PAY.—The term ‘‘basic pay’’ in-
cludes any applicable locality-based com-
parability payment under section 5304 of title 5, United States Code, any applicable special rate supplement under section 5305 of such title, or any equivalent payment under a similar plan of law.
(2) COVERED EMPLOYEE.—The term ‘‘cov-
ered employee’’ means an employee of
the Department of Agriculture, the Department of the Interior, or the Department of Com-
merce.
(3) COVERED SERVICES.—The term ‘‘cov-
ered services’’ means services that are performed by a covered employee for purposes of—
(A) as a wildland firefighter or a fire manage-
ment response official, including a re-
gional forest fire management response official, or a fire management officer;
(B) as an incident meteorologist accom-
panying a wildland firefighter crew; or
(C) on a management team, at the National Interagency Fire Center, at a Geo-
graphic Area Coordinating Center, or at an operations center.
(4) PREMIUM PAY.—The term ‘‘premium pay’’ means premium pay paid under a provi-
sion of law described in the matter preceding paragraph (1) of section 5547(a) of title 5, United States Code.
(5) RELEVANT COMMITTEES.—The term ‘‘re-
levant committees’’ means—
(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and
(B) the Committee on Commerce, Science, and Transportation of the Senate.
(6) ElementS.—The report required by paragraph (1) shall include a detailed assess-
ment of the changes in the findings of the assess-
ment of the plan developed under paragraph (1), including by—
(A) the Committee on Agriculture of the House of Representatives;
(B) the Committee on Energy and Natural Resources of the Senate;
(C) the Committee on Oversight and Government Reform of the House of Representa-
tives;
(D) the Committee on Energy and Natural Resources of the House of Representa-
tives;
(E) the Committee on Science, Space, and Technology of the House of Representa-
tives;
(F) the Committee on Agriculture of the House of Representatives; and
(G) the Committee on Appropriations of the Senate.
(7) Secretary Concerned.—The term ‘‘Sec-
retary concerned’’ means—
(A) the Secretary of Agriculture, with re-
spect to an employee of the Department of Agriculture;
(B) the Secretary of the Interior, with re-
spect to an employee of the Department of the Interior;
(C) the Secretary of Commerce, with re-
spect to an employee of the Department of Commerce.
(b) W A I T PERIOD.—
(1) IN GENERAL.—Any premium pay re-
ceived by a covered employee for covered services shall be disregarded in calculating the base rate of the basic pay and premium pay for the covered employee for purposes of applying the limitation on premium pay under section 5547(a) of title 5, United States Code.
(2) CALCULATION OF AGGREGATE PAY.—Any pay that is disregarded under paragraph (1) shall be disregarded in calculating the aggregate pay of the applicable covered employee for purposes of applying the limitation under section 5307 of title 5, United States Code, for fiscal year 2023.
(3) LIMITATION.—A covered employee may not be paid premium pay under this sub-
section if, or to the extent that, the aggre-
gate of the basic pay and premium pay (in-
cluding premium pay received under this subsection) of the covered employee for a calendar year would exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code, as in effect at the end of that calendar year.
(4) TREATMENT OF ADDITIONAL PREMIUM PAY.—If the application of this subsection re-
sults in the payment of additional premium pay to a covered employee of a type that is not currently creditable as basic pay for retire-
ment or any other purpose, that additional premium pay shall not be—
(A) considered to be basic pay of the cov-
ered employee for any purpose; or
(B) used in computing a lump-sum pay-
ment to the covered employee for accumu-
lated and accrued annual leave under section 5305b of title 5, United States Code.
(5) EFFECTIVE PERIOD.—This subsection
shall be in effect during calendar year 2023 and apply to premium pay payable during
that year.
(c) AMENDMENT.—Section 5542(a)(5) of title 5, United States Code, is amended by insert-
ing ‘‘the’’ after ‘‘Department of Commer-
c’’ after ‘‘Inter’’.
(d) PLAN TO ADDRESS NEEDS.—
(1) DEVELOPMENT AND IMPLEMENTATION.—
Not later than March 30, 2023, the Secre-
taries referred to in subsection (a)(6), in con-
sultation with the Director of the Office of Management and Budget and the Director of the Office of Personnel Management, shall jointly develop and implement a plan that ad-
dresses the needs of the Department of Ag-
griculture, the Department of the Interior, and the Department of Commerce, as appli-
cable, to hire, appoint, promote, or train ad-
ditional covered employees who carry out covered services such that sufficient covered employees are available throughout each fis-
cal year, beginning in fiscal year 2024, with-
out the need for waivers of premium pay limi-
tations.
(S) CRUMPTAL.—Not later than 30 days be-
fore the date on which the Secretaries imple-
ment the plan developed under paragraph (1), the Secretaries shall submit the plan to the relevant committees.
(3) LIMITATION.—The plan developed under paragraph (1) shall not be contingent on any Secretary receiving amounts appropriated for fiscal years beginning in fiscal year 2024 in amounts greater than amounts appro-
riated for fiscal year 2023.
(e) POLICIES AND PROCEDURES FOR HEALTH,
SAFETY, AND WELL-BEING.—The Secretary
concerned shall maintain policies and proce-
dures to promote the health, safety, and well-being of covered employees.
(2) evaluates the roles, functionality, and utility of such interagency bodies; (3) evaluates the progress, performance, and implementation of such interagency bodies; (4) assesses efficacy and identifies potential overlap and duplication of such interagency bodies in carrying out interagency collaborative efforts with respect to wildfire prevention, planning, and management; and (5) includes such other recommendations as the Comptroller General determines are appropriate, to streamline and improve wildfire forecasting, prevention, planning, and management, including recommendations regarding interagency interagency bodies for which the addition of the Administration is necessary to improve wildfire forecasting, prevention, planning, and management.

SEC. 5714. AMENDMENTS TO INFRASTRUCTURE INVESTMENT AND JOBS ACT RELATING TO WILDFIRE MITIGATION.

The Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 429) is amended—

(1) in section 70202—

(A) in paragraph (1)—

(i) in subparagraph (J), by striking "and" and inserting a semicolon;

(ii) in subparagraph (K), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(L) the Committee on Commerce, Science, and Transportation of the Senate; and"

"(M) the Committee on Science, Space, and Technology of the House of Representatives.";

(B) in paragraph (6)—

(i) in subparagraph (B), by striking "and" and inserting a semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting "and"; and

(iii) by adding at the end the following:

"(D) The Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere,"; and

(2) in section 70203(b)(1)(B)—

(A) in the matter preceding clause (i), by striking "9" and inserting "not fewer than 10";

(B) in clause (i)—

(i) in subclause (IV), by striking "and" and inserting a semicolon;

(ii) in subclause (V), by adding "and" at the end; and

(iii) by adding at the end the following:

"(VI) the National Oceanic and Atmospheric Administration.";

(C) in clause (iv), by striking "and" and inserting a semicolon; and

(D) by adding at the end the following:

"(v) if the Secretaries determine it to be appropriate, 1 or more representatives from the relevant line offices of the National Oceanic and Atmospheric Administration.";

SEC. 5715. WILDFIRE TECHNOLOGY MODERNIZATION AMENDMENTS.

Section 108 of Public Law 115–430 (115 Stat. 2965) is amended—

(1) in subsection (c)(3), by inserting "the National Oceanic and Atmospheric Administration," after "Federal Aviation Administration,"; and

(2) in subsection (e)(2)—

(A) designating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

"(B) CONSULTATION.—

"(1) in GENERAL.—In carrying out subparagraph (A), the Secretaries shall consult with the Under Secretary of Commerce for Oceans and Atmosphere regarding any development of impact-based decision support services that relate to wildfire-related activities of the National Oceanic and Atmospheric Administration.

"(ii) DEFINITION OF IMPACT-BASED DECISION SUPPORT SERVICES.—In this subparagraph, the term "impact-based decision support services" means forecast advice and interpretive services the National Oceanic and Atmospheric Administration provides to help improve decision making by Federal, State, and local government personnel, and public safety officials, make decisions when weather, water, and climate impact the lives and livelihoods of the people of the United States,"; and

(3) in subsection (f)—

(A) by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving subparagraph (A) as so redesignated, 2 ems to the right;

(B) by striking "The Secretaries" and inserting the following:

"(1) IN GENERAL.—The Secretaries; and"

(C) by adding at the end the following:

"(2) COLLABORATION.—In carrying out paragraph (1), the Secretaries shall collaborate with the Under Secretary of Commerce for Oceans and Atmosphere to improve coordination, utility of systems and assets, and interoperability of data for smoke prediction, forecasting, and modeling.";

SEC. 5716. COOPERATION; COORDINATION; SUPPORT TO NON-FEDERAL ENTITIES.

(a) COOPERATION.—Each Federal agency shall cooperate with the Under Secretary, as appropriate, in carrying out this title and the amendments made by this title.

(b) COORDINATION.—

(1) IN GENERAL.—In meeting the requirements made by this title, the Under Secretary shall coordinate, and enter into appropriate, establish agreements with Federal and external partners to fully use and leverage existing, systems, networks, technologies, and sources of data.

(2) INCLUSIONS.—Coordination carried out under paragraph (1) shall include coordination with—

(A) the National Interagency Fire Center, including the Predictive Services Program that provides impact-based decision support services to the wildland fire community at the Geographic Area Coordination Center and the National Interagency Coordination Center;

(B) the National Wildfire Coordinating Group; and

(C) relevant interagency bodies identified in the report required by section 5713.

(3) CONSULTATION.—In carrying out this subsection, the Under Secretary shall consult with Federal partners.

(b) FIRE WEATHER SERVICES PROGRAM PLAN.—

(1) ELEMENTS.—The plan submitted under subsection (a)(1) shall describe—

(A) the observation, data, modeling requirements, ongoing computational needs, research, development, and technology transfer activities, data management, skilled-personnel requirements, engagement with relevant Federal emergency and land management agencies and partners, and corresponding resource and funding needs necessary to achieve the functions described in subsection (b) of section 5703 and the priorities described in subsection (c) of such section; and

(B) plans and needs for all other activities and requirements under this title and the amendments made by this title.

(2) SUBMISSION OF ANNUAL BUDGET FOR PLAN.—Following completion of the plan submitted under subsection (a)(1), the Under Secretary shall, no later than 1 year after the date of submission of the budget for the Federal Emergency Management Agency, submit to Congress a proposed budget corresponding with the elements detailed in the plan.

(c) INCIDENT METEOROLOGIST WORKFORCE NEEDS ASSESSMENT.—

(1) IN GENERAL.—The Under Secretary shall conduct a workforce needs assessment on the current and future demand for additional incident meteorologists for wildfires and other high-impact fire weather events.

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

(A) an analysis of high-impact fire weather events of the date on which the assessment is submitted under subsection (a)(2) and projected future staffing levels.

(B) An assessment of the state of the infrastructure of the National Weather Service as of the date on which the assessment is submitted and future needs of such infrastructure in order to meet current and future demands, including with respect to information technology support and logistical and administrative operations.

(C) IN CONDUCTING THE ASSESSMENT.—In conducting the assessment required by paragraph (1), the Under Secretary shall consider factors including projected climate conditions, infrastructure needs, relevant hazardous weather response system equipment, user needs, and feedback from relevant stakeholders.
(d) Support Services Assessment.—(1) In General.—The Under Secretary shall conduct a workforce support services assessment with respect to employees of the National Weather Service engaged in emergency response.

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

(A) An assessment of the need for future support of employees of the National Weather Service engaged in emergency response through services provided by the Public Health Service.

(B) A detailed assessment of appropriations required to secure the level of support services needed as identified in the assessment described in paragraph (A).

(3) Additional Support Services.—Following the completion of the assessment required by paragraph (1), the Under Secretary shall seek to acquire additional support services to meet the needs identified in the assessment.

SEC. 5719. GOVERNMENT ACCOUNTABILITY OFFICE REPORT; FIRE SCIENCE AND TECHNOLOGY WORKING GROUP; STRATEGIC PLAN.

(A) Government Accountability Office Report.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that identifies—

(1) the roles, goals, and science and support services relating to Federal agencies engaged in or providing wildland fire prevention, detection, forecasting, modeling, resilience, response, management, and assessments; and

(2) recommended areas in and mechanisms by which the agencies listed under paragraph (1) could support and improve coordination across all wildland fire agencies.

(B) Coordination.—In carrying out the functions pursuant to the report required by paragraph (1), the Under Secretary shall—

(i) coordinate between Federal agencies, State and local governments, Tribal governments, and other relevant stakeholders, including through establishment of possible public-private partnerships;

(ii) research and development, including interdisciplinary research, related to fire environments, wildland fires, associated smoke, and the impacts of such environments, fires, and smoke, in furtherance of a coordinated interagency effort to address wildland fire risk mitigation measures;

(iii) data management and stewardship, the development and coordination of data systems and computational tools, and the creation of an integrated data coordination environment for agency data, including historical data, relating to weather, fire environments, wildland fires, associated smoke, and the impacts of such environments, fires, and smoke, and the assessment of wildland fire risk mitigation measures;

(iv) interoperability, usability, and accessibility of the scientific data, data systems, and computational and information tools of the agencies listed under paragraph (1);

(v) coordinated public safety communications to fire weather events, fire hazards, and wildland fire and smoke risk reduction strategies; and

(vi) secure and accurate real-time data, alerts, and advisories to wildland firefighters and other decision support tools for wildland fire incident command posts.

(b) Fire Science and Technology Working Group.—(1) Establishment.—Not later than 90 days after the date of the enactment of this Act, the Executive Director of the Interagency Committee on Coordinating Weather Services established under section 402 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 6852) (in this section referred to as the “Working Group”) shall establish a working group, to be known as the “Fire Science and Technology Working Group” (in this section referred to as the “Working Group”).

(2) Chair.—The Working Group shall be chaired by the Under Secretary, or designee.

(C) Strategic Plan.—(1) In General.—The Working Group shall seek to build efficiencies among the agencies listed under subsection (a) and coordinate the planning and management of science, research, technology, and operations related to science and support services for wildland fire prediction, detection, forecasting, modeling, resilience, response, management, and assessments.

(2) Input.—The Working Group shall solicit input from Federal stakeholders.

(3) Strategic Plan.—(1) In General.—Not later than 540 days after the date of the enactment of this Act, the Interagency Committee shall prepare and submit to the committees specified in paragraph (3) a strategic plan for interagency coordination, research, and development that will improve the assessment of fire environments and the understanding and prediction of wildland fires, associated smoke, and the impacts of such fires and smoke, including—

(A) at the wildland-urban interface;

(B) on communities, buildings, and other infrastructure;

(C) on ecosystem services and watersheds;

(D) social and economic impacts;

(E) by developing and encouraging the adoption of science-based and cost-effective measures—

(i) to enhance community resilience to wildland fires;

(ii) to address and mitigate the impacts of wildland fire and associated smoke; and

(iii) to restore natural fire regimes in fire-dependent ecosystems;

(F) by improving the understanding and mitigation of the effects of weather and long-term drought on wildland fire risk, frequency, and severity;

(G) by addressing parts of the federal infrastructure or other relevant Federal agencies;

(H) by improving the forecasting and understanding of prescribed fires and the impacts of such fires, and how those impacts may differ from impacts of wildland fires that originate from an unplanned ignition; and

(I) consideration and adoption of any recommendations included in the report required by paragraph (1) pursuant to section 5721(c) of this title.

(2) Plan Elements.—The strategic plan required by paragraph (1) shall include the following:

(A) A description of the priorities and needs of vulnerable populations.

(B) A description of high-performance computing, visualization, and dissemination needs.

(C) A timeline and guidance for implementation of—

(i) an interagency data sharing system for data relevant to performing fire assessments and modeling fire risk and fire behavior;

(ii) a system for ensuring that the fire prediction models of relevant agencies can be interconnected; and

(iii) to the maximum extent practicable, any recommendations included in the report required by paragraph (a).

(D) A plan for incorporating and coordinating research and operational observations, including from infrared technologies, microsatellites, and Weather Service and uncrewed aerial systems.

(E) A flexible framework to communicate clear and simple fire event information to the public.

(F) Integration of social, behavioral, risk, and communication research to improve the

fire operational environment and societal information reception and response.

(3) Committees Specified.—The committees specified in this paragraph are—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(C) the Committee on Agriculture, Fire Science and Technology of the House of Representatives;

(D) the Committee on Natural Resources of the House of Representatives; and

(E) the Committee on Science, Space, and Technology of the House of Representatives.

(b) Fire Science and Technology Working Group.—(1) Establishment.—The Under Secretary shall, in collaboration with the Chief of the United States Forest Service, the Director of the National Oceanic and Atmospheric Administration, the Director of the National Park Service, the Administrator of the Federal Emergency Management Agency, and such stakeholders as the Under Secretary considers appropriate—

(1) evaluate the system used as of the date of the enactment of this Act to rate the risk of wildfires; and

(2) determine whether updates to that system are required to ensure that the ratings accurately reflect the severity of fire risk.

(2) Requirements.—None of the amounts appropriated under this title are subject to duplicate efforts; and shall coordinate with the Administration to carry out new policies and programs to address directions under this title and the amendments made by this title.

(3) Authorization of Appropriations.—(1) In General.—The Under Secretary shall ensure, to the greatest extent practicable, that activities funded under this title and the amendments made by this title are not duplicative of activities supported by other parts of the Administration or other relevant Federal agencies.

(b) Coordination.—In carrying out activities under this title and the amendments made by this title, the Under Secretary shall coordinate with the Administration and heads of other Federal research agencies—

(i) to ensure that activities enhance and complement, but do not constitute unnecessary duplication of, efforts; and

(ii) to ensure the responsible stewardship of funds.

SEC. 5722. AUTHORIZATION OF APPROPRIATIONS.

(A) In General.—In addition to amounts appropriated under title VIII of division D of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1094), there are authorized to be appropriated to the Administration to carry out new policies and programs to address directions under this title and the amendments made by this title—

(1) $15,000,000 for fiscal year 2023;

(2) $11,300,000 for fiscal year 2024;

(3) $11,360,000 for fiscal year 2025;

(4) $122,774,400 for fiscal year 2026; and

(5) $128,913,120 for fiscal year 2027.

(B) Prohibition.—None of the amounts authorized to be appropriated under subsection (a) may be used to unnecessarily duplicate activities funded under division D of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1094).

TITLED LVIII—LEARNING EXCELLENCE AND GOOD EXAMPLES FROM NEW DEVELOPERS

SEC. 5801. SHORT TITLE.

This title may be cited as the “Learning Excellence and Good Examples from New Developers Act of 2022” or the “LEGEND Act of 2022.”

SEC. 5802. DEFINITIONS.

In this title—

(1) Administration.—The term "Administration" means the National Oceanic and Atmospheric Administration.
(2) **ADMINISTRATOR.**—The term **"Administrator"** means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

(3) **EARTH PREDICTION INNOVATION CENTER.**—The term **"Earth Prediction Innovation Center"** means the community global weather research system described in paragraph (5)(E) of section 102(b) of the Weather Research Forecasting and Innovation Act of 2017 (15 U.S.C. 8512(b)), as redesignated by the amendment made by section 30904(c) of the Energy Independence and Security Act of 2007.

(4) **MODEL.**—The term **"model"** means any vetted numerical model and associated data assimilation of the Earth's system or its components—

(A) developed, in whole or in part, by scientists and engineers employed by the Administration; or

(B) otherwise developed using Federal funds.

(5) **OPERATIONAL MODEL.**—The term **"operational model"** means any model that has an output used by the Administration for operational functions.

(6) **SUITE.**—The term **"suite"** means a collection of models that meet the requirements described in paragraph (4)(B)(i) of section 102(b) of the Weather Research Forecasting and Innovation Act of 2017 (15 U.S.C. 8512(b)), as redesignated by section 3509(5)(a) of the Energy Independence and Security Act of 2007.

SEC. 5803. PURPOSES.

The purposes of this title are—

(1) to support innovation in modeling by allowing interested stakeholders to have easy and complete access to the models developed by the Administration, as the Administrator determines appropriate; and

(2) to use vetted innovations arising from described in paragraph (1) to improve modeling by the Administration.

SEC. 5804. PLAN AND IMPLEMENTATION OF PLAN TO MAKE CERTAIN MODELS AND DATA AVAILABLE TO THE PUBLIC.

(a) **IN GENERAL.**—The Administrator shall develop and implement a plan to make available to the public the following:

(1) Operational models developed by the Administration;

(2) that are not operational models, including experimental and developmental models, as the Administrator determines appropriate;

(3) Applicable information and documentation for models described in paragraphs (1) and (2).

(b) **SUBJECT TO SECTION 5807.**—All data owned by the Federal Government and data that the Administrator has the legal right to redistribute that are associated with models made available to the public pursuant to the plan and used in operational forecasting by the Administration, including—

(A) relevant metadata;

(B) data used for operational models used by the Administration as of the date of the enactment of this Act; and

(C) a description of intended model outputs.

(b) **ACCOMMODATIONS.**—In developing and implementing the plan under subsection (a), the Administrator may make such accommodations as the Administrator considers appropriate to ensure that the public release of any model, information, documentation, or data pursuant to the plan does not jeopardize—

(1) national security;

(2) intellectual property or redistribution rights, including under titles 17, 35, United States Code;

(3) trade secret or commercial or financial information subject to section 552(b)(4) of title 5, United States Code;

(4) any models or data that are otherwise restricted by contract or other written agreement; or

(5) the mission of the Administration to protect lives and property.

(c) **PRIORITY.**—In developing and implementing the plan under subsection (a), the Administrator shall prioritize making available to the public the models described in subsection (a)(1).

(d) **PROTECTIONS FOR PRIVACY AND STATISTICAL INFORMATION.**—In developing and implementing the plan under subsection (a), the Administrator shall ensure that all requirements incorporated into any models described in subsection (a)(1) ensure compliance with the applicable data protection requirements, including the protection of any personally identifiable information.

(e) **EXCLUSION OF CERTAIN MODELS.**—In developing and implementing the plan under subsection (a), the Administrator may exclude models that the Administrator determines will be retired or superseded in fewer than 5 years after the date of the enactment of this Act.

(f) **PLATFORMS.**—In carrying out subsections (a) and (b), the Administrator may use government servers, contracts or agreements with a private vendor, or any other platform consistent with the purpose of this title.

(g) **SUPPORT PROGRAM.**—The Administrator shall plan for and establish a program to support infrastructure, including—

(1) the operation of the Administration, including communications and technology infrastructure of the Administration and the platforms described in subsection (f), relevant to making operational models and data available to the public pursuant to the plan under subsection (a);

(2) a Technical Correlation.—Section 102(b) of the Weather Research and Forecasting and Innovation Act of 2017 (15 U.S.C. 8512(b)) is amended by redesignating the second paragraph (4) as added by section 4(a) of the National Integrated Drought Information System Reauthorization Act of 2016 (Public Law 115-423; 132 Stat. 5462) as paragraph (5).

SEC. 5805. REQUIREMENT TO REVIEW MODELS AND LEVERAGE INNOVATIONS.

The Administrator shall—

(1) consistent with the mission of the Earth Prediction Innovation Center, periodically review innovations and improvements made by the Administration and its partners outside the Administration and to the operational models made available to the public pursuant to the plan under section 5804(a) in order to improve the accuracy and timeliness of forecasts of the Administration; and

(2) if the Administrator identifies an innovation for a suitable model, develop and implement a plan to use the innovation to improve the model.

SEC. 5806. REPORT ON IMPLEMENTATION.

(a) **IN GENERAL.**—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the implementation of this title that includes a description of—

(1) the implementation of the plan required by section 5804;

(2) the process of the Administration under section 5804(b); and

(3) for engaging with interested stakeholders to learn what innovations those stakeholders have found;

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term **"appropriate congressional committees"** means—

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

(2) the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.

SEC. 5807. PROTECTION OF NATIONAL SECURITY INTERESTS.

(a) **IN GENERAL.**—Notwithstanding any other provision of this title, the Administrator, in consultation with the Secretary of Defense, as appropriate, may withhold any model or data if the Administrator determines so to be necessary to protect the national security interests of the United States.

(b) **EFFECTIVE DATE.**—Nothing in this title shall be construed to supersede any other provision of law governing the protection of the national security interests of the United States.

SEC. 5808. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this title $2,000,000 for each of fiscal years 2023 through 2027.

(b) **DERIVATION OF FUNDS.**—Funds to carry out this section shall be derived from amounts authorized to be appropriated to the National Weather Service that are enacted after the date of the enactment of this Act.

Mr. REED. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.
First, I would like to acknowledge Ranking Member INHOFE, whose leadership on this committee and in this body has been invaluable. His commitment to our men and women in uniform is unwavering, and he was instrumental in helping produce this bipartisan legislation. In honor of the United States being engaged in a long-term strategic competition with China and Russia, Beijing poses the primary potential threat to our national security, as the only country in the world with the economic and technological capacity to mount a sustained challenge to our interests. And, as we have seen with disturbing clarity, Putin has demonstrated his willingness to inflict violence and undermine global order for his own benefit. The importance of U.S. support for the Ukrainian people cannot be overstated. They are fighting our fight, and we must aid them.

Elsewhere, states like Iran and North Korea continue to push the boundaries of maximum brinkmanship, and issues like terrorism, climate change, and pandemics remain persistent threats. The interconnected nature of these problems must drive how we resource and transform our tools of national power. The fiscal year 2023 National Defense Authorization Act will be a critical step toward meeting these complex challenges.

Turning to the specifics of this year's defense bill, the NDAA authorizes $817 billion for the Department of Defense and $23 billion for national security programs within the Department of Energy. The bill contains a number of important provisions that I would like to briefly highlight.

To begin, we have to ensure that the United States can outcompete, deter, and prevail against our near-peer rivals. This NDAA confronts China and Russia by fully investing in the Pacific Deterrence Initiative, the European Deterrence Initiative, and the Ukraine Security Assistance Initiative. As part of this effort, the bill increases the defense topline authorization by $45 billion to address the effects of inflation and accelerate implementation of the national defense strategy. This topline boost will accelerate the production of certain munitions and increase procurement of aircraft, naval vessels, armored vehicles, long-range fires, and other resources needed by the services and combatant commands.

The committee has also included an authorization of $1 billion for the National Defense Stockpile to acquire strategic and critical minerals currently in shortfall. This will go a long way to help meet the defense, industrial, and essential civilian needs of the United States.

We also include additional support for our industrial base to produce the munitions needed to backfill our stocks, while also keeping supplies flowing to Ukraine and other European allies. Many Senators on both sides of the aisle have been actively engaged in this effort, but I especially want to recognize Senator SHAHEEN’s leadership. Senator SHAHEEN’s work has been highly impactful, and we ultimately took, which is reflected in the amendment that Senator INHOFE and I have offered as part of the managers’ package.

Relatively, America’s capacity for technological innovation has long given us the strongest economy and military on Earth, but this advantage is not a given. It must be nurtured and maintained. To that end, this year’s NDAA authorizes significant funding increases for emerging technologies like microelectronics, hypersonic weapons, and low-cost unmanned aircraft. Similarly, it increases funding to support U.S. Cyber Command’s Hunt Forward Operations and artificial intelligence capabilities.

And, as we navigate threats of nuclear escalation from Russia and increasing capabilities from China, the NDAA enhances our deterrence by helping to marginalize the U.S. nuclear triad. It also makes progress in ensuring the safety, security, and reliability of our nuclear stockpile, delivery systems, and infrastructure; increasing capacity in theater and homeland missile defense; and strengthening non-proliferation programs.

Importantly, this year’s NDAA provides a 4.6-percent pay raise for both servicemembers and their Department of Defense civilian workforce. It also authorizes additional funding to ease the impacts of inflation on the force and provide support recruiting and retention needs.

When I introduce the fiscal year 2023 NDAA, it will be a substitute to the House-passed NDAA. This substitute will be modified with a package of amendments that have been cleared on both sides. There are 75 amendments, including 6 major authorization bills from other committees.

Again, I am pleased that we have brought this bill to the floor so the entire Senate has an opportunity to participate in the process.

I also want to take a moment to thank all the staff who accomplished this Herculean task in a week. The staff of the Armed Services Committee worked tirelessly to ensure every possible amendment was cleared and included.

I particularly want to thank Kevin Davis of the Office of Legislative Counsel, who went above and beyond to draft the legislation. The staff did a remarkable job, working tirelessly. They were led by Liz King and John Wason, and I salute both of them and all the members of the staff for their extraordinary efforts.

The topline defense number in this bill, together with the allocations set by Chairman LEAHY for defense and nondefense funding across the appropriations bills, provides a realistic balance for funding the military and the rest of the Federal Government. Once we have completed work on this important authorization bill, we need to complete the appropriations process.

Let me conclude by once again thanking Ranking Member INHOFE and my colleagues. I particularly want to recognize and thank the Presiding Officer, Senator KING of Maine, for his great work, and all for their thoughtful and bipartisan efforts to develop this important piece of legislation. I would also like to thank the staff, as I said before, for their tireless efforts on this bill throughout the year.

I look forward to a thoughtful debate on the issues that face our Department of Defense and national security.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

(After the request of Mr. REED, the following statement was ordered to be printed in the RECORD.)

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. INHOFE. Mr. President, the National Defense Authorization Act is the most important bill we pass every year—and especially the most important bill we pass for our troops. This year is no different.

Some may disagree with me, but let me point you to an old document not too many people read anymore, called the Constitution; it tells us what we are supposed to be doing here: defending America.

This is a responsibility I do not take lightly, and I know my colleagues share in my desire to get this bill passed. I am particularly eager to get this bill passed because, as you all know, it is my last NDAA to shepherd through the Senate, and there has been a lot of them at this point.

Specifically, I want to take a moment to recognize my good friend, Jack Reed. We are both Army veterans and understand that the most important thing we do all year is the NDAA, where we work to get the troops what they need to do their jobs and make sure they are taken care of. I don’t think there are two other friends than Jack REED and myself here in the Senate, and I am proud to have worked on my last defense bill alongside him.
This bill is truly a bipartisan, comprehensive product. We have already agreed to more than 70 bipartisan amendments in the manager’s package of amendments, and those numbers don’t include the hundreds of provisions written by Members that are already in the bill.

It is easy to forget what brings us together around here, but the National Defense Authorization Act is a bill we must put aside our differences and pass every year. We are about to enter the 62nd year of passing the NDAA with far-reaching, bipartisan support.

Senator REED, the Armed Services Committee, and I, we worked hard to make this a bipartisan bill—in the base text, in the committee mark, and now with this manager’s package of amendments authored by many Members of the Senate.

We are one step closer to getting this product to the finish line and making sure our military is provided for in the coming years.

I can’t think of one thing we have come together to pass for over 60 years straight other than the NDAA. It truly is remarkable.

I thank my colleagues for their contributions, I look forward to our continued debate on this important bill—the most important bill we will do all year.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF THE REHOBOTH BEACH PATROL

Mr. CARPER. Mr. President, I rise today in honor of the 100th anniversary of the Rehoboth Beach Patrol in Rehoboth Beach, DE. With over a century of excellence in safety, a strong history in lifeguard competition achievements, and a fully operational emergency medical unit, the Rehoboth Beach Patrol is a leading beach patrol in the Nation.

It takes a world class beach patrol to protect a world-class beach, and over the years, the beach patrol has expanded from its humble beginnings. The Rehoboth Beach Patrol was established in 1921 by Benjamin F. Shaw and the Red Cross with just two guards. In 1938, it expanded to 17 guards protecting eight beaches. Over the years, the beach patrol added additional guards to a total of 65 and lifesaving equipment. Rehoboth Beach attracted more and more tourists far and wide to enjoy its beaches.

Perhaps most impressive is that over its more than 100-year history, the beach patrol has recorded only one drowning under its watch. The beach patrol prides itself on ensuring safety both in the water and on its beaches, something that a machine or camera cannot do. It is the skill of the lifeguards, their attention, and ability to manage the beach that keeps everyone safe and having fun.

When an organization like the Rehoboth Beach Patrol reaches a 100-year milestone, it has seen much more change than just the style of bathing suits, it has also seen a change in the demographics of its members. From just two men to a diverse group of lifeguards that are half women, the beach patrol is a reflection of the changes in the state and the country over the years.

I am honored to rise today to honor the many men and women of the Rehoboth Beach Patrol who have sacrificed their safety in order to protect others. They are true public servants who make Rehoboth Beach and our great State—a wonderful and safe place for people of all ages to visit and enjoy. You are all a point of pride for our State, and I wish you many more years of service to Delaware.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Roberts, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 3, 2021, the Secretary of the Senate, on September 30, 2022, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bills, without amendment:

S. 958. An act to amend the Public Health Service Act to expand the allowable use criteria for new access points grants for community health centers.

S. 1198. An act to amend title 38, United States Code, to improve and expand the Solid Start program of the Department of Veterans Affairs, and for other purposes.

S. 2551. An act to require the Director of the Office of Management and Budget to establish or otherwise provide an artificial intelligence training program for the acquisition workforce, and for other purposes.

S. 2794. An act to amend title 38, United States Code, to increase maximum automatic maximum coverage under the Servicemembers’ Group Life Insurance program and the Veterans’ Group Life Insurance program, and for other purposes.

S. 3470. An act to provide for the implementation of certain trafficking in contracting provisions, and for other purposes.

The message further announced that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 45. Concurrent resolution providing for a correction in the enrollment of H.R. 6833.

The message also announced that the House agreed to the amendments of the Senate to the bill (H.R. 361) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to increase the threshold for eligibility for assistance under sections 403, 406, 407, and 409 of such Act, and for other purposes.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 6833) making continuing appropriations for fiscal year 2023, and for other purposes.

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 2021, the Secretary of the Senate, on September 29, 2022, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

S. 3969. An act to amend the Help America Vote Act of 2002 to explicitly authorize distribution of grant funds to the voting accessibility protection and advocacy system of the Commonwealth of the Northern Mariana Islands and the system serving the American Samoa Island, and for other purposes.

S. 4900. An act to reauthorize the SBIR and STTR programs and pilot programs, and for other purposes.

Under the authority of the order of the Senate of January 3, 2021, the enrolled bills were signed on September 30, 2022, during the adjournment of the Senate by the Vice President.

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 2021, the following enrolled bills, previously signed by the Speaker of the House, were signed on October 4, 2022, during the adjournment of the Senate, by the Acting President pro tempore (Mr. VAN HOLLEN):

H.R. 91. An act to designate the facility of the United States Postal Service located at 610 South Pendleton Street in Easley, South Carolina, as the “Privatess Sergeant Barrett Lyle Austin Post Office Building”.

H.R. 92. An act to designate the facility of the United States Postal Service located at 12 Johnson Street in Carolina, as the “Specialist Four Charles John-

H.R. 93. An act to designate the facility of the United States Postal Service located at 810 South Pendleton Street in Easley, South Carolina, as the “Specialist Four Charles John-

H.R. 94. An act to designate the facility of the United States Postal Service located at 223 West Chalan Santo Papa in Hagatna, Guam, as the “Atanasio Taitano Perez Post Office”.

H.R. 95. An act to designate the facility of the United States Postal Service located at 39 West Main Street, in Honeoye Falls, New York, as the “Thomas H. Dolan Post Office Building”.

H.R. 3508. An act to designate the facility of the United States Postal Service located at 810 South Pendleton Street in Easley, South Carolina, as the “James K. A. German Memorial Post Office”.

H.R. 3539. An act to designate the facility of the United States Postal Service located at 223 West Chalan Santo Papa in Hagatna, Guam, as the “Momence Taitano Perez Post Office”.

H.R. 3539. An act to designate the facility of the United States Postal Service located at 810 South Pendleton Street in Easley, South Carolina, as the “James K. A. German Memorial Post Office”.

H.R. 4683. An act to advance targeted and evidence-based interventions for the prevention and treatment of global malnutrition and to improve the coordination of such programs, and for other purposes.

H.R. 5899. An act to designate the facility of the United States Postal Service located
at 1801 Town and Country Drive in Norco, California, as the ‘‘Lance Corporal Kareem Nikoui Memorial Post Office Building’’.

H. R. 7500. An act to authorize major medical care for the Department of Veterans Affairs for fiscal year 2022, and for other purposes.

H. R. 7846. An act to increase, effective as of December 31, 2022, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

S. 189. An act to amend title 17, United States Code, to require the Register of Copyrights to require that applications for registration of a copyright claim in certain circumstances, and for other purposes.

S. 442. An act to amend title 40, United States Code, to require the Administrator of General Services to procure the most life-cycle cost effective and energy efficient lighting products and to issue guidance on the efficiency, effectiveness, and economy of those products, and for other purposes.

S. 516. An act to plan for and coordinate efforts to integrate advanced air mobility aircraft into the national airspace system, and for other purposes.

S. 1068. An act to amend the Higher Education Act to authorize borrowers to foreclose on or have directly carried out, at any time, by the Federal Government or an insurance company, a claim for a direct loan or other loan or any part of such claim, and for other purposes.

S. 3662. An act to temporarily increase the temporary rates of duty imports of certain infant formula and related products, and for other purposes.

S. 3719. An act to amend section 301 of title 19, United States Code, to establish the appointment of the Director of the Government Publishing Office.

Under the authority of the order of the Senate of January 3, 2021, the enrolled bills were signed on October 4, 2022, during the adjournment of the Senate by the Acting President pro tempore (Mr. Van Hollen).

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 2021, the Secretary of the Senate, on October 4, 2022, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H. R. 7586. An act to enhance cooperation between the Commission and State Attorneys General to combat unfair and deceptive practices, and for other purposes.

H. R. 5641. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to increase the threshold for eligibility for assistance under sections 463, 466, 477, and 502 of such Act, and for other purposes.

H. R. 8862. An act to amend the Harmonized Tariff Schedule of the United States to suspend temporarily rates of duty imports of certain infant formula base powder used in the manufacturing of infant formula in the United States, and for other purposes.

Under the authority of the order of the Senate of January 3, 2021, the enrolled bills were signed on October 4, 2022, during the adjournment of the Senate by the Acting President pro tempore (Mr. Van Hollen).

MESSAGE FROM THE HOUSE

At 11:02 a.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House passed the following bills, in which it requests the concurrence of the Senate:

H. R. 1538. An act to direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota, and for other purposes.

H. R. 3304. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide or assist in providing additional equipment adapted for operation by disabled individuals to certain eligible persons, and for other purposes.

H. R. 2843. An act to promote competition and promote antitrust enforcement by adjusting premerger filing fees to increase antitrust enforcement resources.

H. R. 4981. An act to require the disclosure of a camera or recording capability in certain internet-connected devices.

H. R. 4621. An act to hold accountable senior officials of the Government of the People’s Republic of China who are responsible for or have directly carried out, at any time, persecution of Christians or other religious minorities and for other purposes.

H. R. 6889. An act to amend the Federal Credit Union Act to modify the frequency of board of directors meetings, and for other purposes.

H. R. 6965. An act to promote travel and tourism in the United States, and for other purposes.

H. R. 6967. An act to implement merit-based reforms to the civil service hiring system that replace degree-based hiring with skills- and competency-based hiring, and for other purposes.

H. R. 7321. An act to amend title 49, United States Code, to require certain air carriers to provide reports with respect to maintenance, prevention of maintenance, or alteration, and for other purposes.

H. R. 7780. An act to support the behavioral needs of students and youth, invest in the school-based behavioral health workforce, and ensure access to mental health and substance use disorder benefits.

H. R. 8163. An act to amend the Public Health Service Act with respect to trauma care.


H. R. 8463. An act to modify the requirements under the Millennium Challenge Account for candidate countries, and for other purposes.

H. R. 8466. An act to require the head of each agency to establish a plan relating to the safety of Federal employees and contractors physically present onsite during a nationwide public health emergency declared for an infectious disease, and for other purposes.

H. R. 8510. An act to amend title 38, United States Code, to make certain improvements to the Office of Accountability and Whistleblower Protection of the Department of Veterans Affairs, and for other purposes.

H. R. 8831. An act to establish the John Lewis Civil Rights Fellowship to fund international internships and research placements for early- to mid-career professionals to study nonviolent movements to establish and protect civil rights around the world.

H. R. 8875. An act to amend title 38, United States Code, to expand eligibility of members of the National Guard for housing loans guaranteed by the Secretary of Veterans Affairs.

H. R. 8888. An act to amend title 38, United States Code, to establish in the Department of Veterans Affairs a Center of Food Security, and for other purposes.

H. R. 8956. An act to amend chapter 36 of title 42, United States Code, to improve the cybersecurity of the Federal government, and for other purposes.

H. R. 8957. An act to amend the Justice for United States Victims of State Sponsored Terrorism Act to authorize appropriations for counter-cigarette smuggling, and for other purposes.

H. R. 8987. An act to amend the United States Victims of State Sponsored Terrorism Act to authorize appropriations for certain access points for community health centers.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 958. An act to amend the Public Health Service Act to expand eligible uses of the emergency use authorization criteria for new access points grants for community health centers.
MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3394. An act to amend title 38, United States Code, to provide authority to the Secretary of Veterans Affairs to provide or assist in providing an additional vehicle adapted for operation by disabled individuals to certain eligible persons, and for other purposes; to the Committee on Veterans’ Affairs.

H.R. 4081. An act to require the disclosure of a camera or recording capability in certain Internet-connected devices; to the Committee on Commerce, Science, and Transportation.

H.R. 4821. To hold accountable senior officials of the Government of the People’s Republic of China who are responsible for or have directly carried out, at any time, persecution of Christians or other religious minorities in China, and for other purposes; to the Committee on Foreign Relations.

H.R. 6889. To amend the Federal Credit Union Act to modify the frequency of board of directors meetings, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6967. An act to implement merit-based reforms in the national service and volunteerism programs, and for other purposes; to the Committee on Education, Labor, and Pensions.

H.R. 7532. An act to establish the Office of Food Security, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 7321. An act to amend title 49, United States Code, to establish the Department of Veterans Affairs Office of National Intelligence, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

MEASURES DISCHARGED

The following joint resolution was discharged from the Committee on Finance, pursuant to 50 U.S.C. 1622, and placed on the calendar:

S.J. Res. 63. A joint resolution relating to an emergency declared by the President on March 13, 2020.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 1074. An act to recognize the Lumbee Tribe of North Carolina, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1383. An act to direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 30, 2022, she had presented to the President of the United States the following enrolled bills:

S. 3969. An act to amend the Help America Vote Act of 2002 to explicitly authorize distribution of grant funds to the voting accessibility program and advocacy system of the Commonwealth of the Northern Mariana Islands and the system serving the American Indian consortium, and for other purposes.

S. 4000. An act to reauthorize the SBIR and STTR programs and pilot programs, and for other purposes.

The Secretary of the Senate reported that on October 11, 2022, she had presented to the President of the United States the following enrolled bill:

S. 1098. An act to amend the Higher Education Act of 1965 to authorize borrowers, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KING (for himself and Ms. COLLINS):

S. 5067. A bill to provide that no Federal funds shall be appropriated, awarded, or used for the Monterey Bay Aquarium; to the Committee on Commerce, Science, and Transportation.

By Mr. KING (for Mr. LEE):

S. 5068. A bill to amend the Northwestern New Mexico Rural Water Projects Act to make improvements to that Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KING (for Mr. CASEY):

S. 5069. A bill to amend the Child Abuse Prevention and Treatment Act to require mandatory reporting of incidents of child abuse or neglect, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KING (for Ms. COLLINS (for herself and Mr. KING)):

S. 5070. A bill to authorize the Secretary of Agriculture to provide grants to States to address contamination by perfluoroalkyl and polyfluoroalkyl substances on farms, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REED (for Mr. SULLIVAN):

S. 5071. A bill to amend the Energy Policy and Conservation Act to require that the Strategic Petroleum Reserve only includes petroleum products produced in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KING (for Mr. SHAHEEN (for herself and Mr. YOUNG)):

S. 5072. A bill to amend the Higher Education Act of 1965 to provide for institutional eligibility based on low cohort repayment rates and to require risk-sharing payments of institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KING (for Mr. LUJAN (for himself, Ms. COLLINS, and Mr. CARDIN)):

S. 5073. A bill to amend the Public Health Service Act to authorize a public education program across all regions of the Health Resources and Services Administration to increase oral health literacy and awareness; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KING (for Mr. BLUMENTHAL):

S. 5074. A bill to provide for a temporary 1-year halt to all proposed direct commercial and foreign military sales to the Kingdom of Saudi Arabia of weapons and munitions; to the Committee on Foreign Relations.

By Mr. KING (for Mr. JOHNSON):

S. 5075. A bill to establish new ZIP codes for certain Wisconsin communities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself and Mr. MCCONNELL):
S. Res. 822. A resolution to authorize testimony and representation in United States v. Rhodes; considered and agreed to.

By Mr. SCHUMER (for himself and Mr. MCCONNELL).

S. Res. 823. A resolution to authorize testimony and representation in United States v. Grosclose; considered and agreed to.

By Mr. SCHUMER (for himself and Mr. MCCONNELL).

S. Res. 824. A resolution to authorize testimony and representation in United States v. Steele-Smith; considered and agreed to.

By Mr. KING (for Ms. HIROKO (for herself, Mr. BOOKER, Ms. CANTWELL, Ms. CANTWELL, Ms. DUCKWORTH, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. PADILLA, Mr. SCHATZ, Ms. SMITH, Ms. WARREN, and Mr. Kaine)).

S. Res. 825. A resolution recognizing the month of October 2022 as Filipino American History Month and celebrating the history and culture of Filipino Americans and their immense contributions to the United States; to the Committee on the Judiciary.

By Mr. KING (for Mr. HORVEN (for himself, Mr. TESTER, Mr. BOOZMAN, Mr. WARNER, Mr. DAINES, and Ms. WARREN)).

S. Res. 826. A resolution designating October 25, 2022, as the “Day of the Deployed”; to the Committee on the Judiciary.

By Mr. KING (for Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. DURBIN, Ms. MURKOWSKI, Mr. LEAHY, and Ms. SENED)).

S. Res. 827. A resolution supporting the goals and ideals of National Domestic Violence Awareness Month; to the Committee on the Judiciary.

By Mr. KING (for Mr. HORVEN (for himself, Mr. TESTER, Mr. BOOZMAN, Mr. WARNER, Mr. DAINES, and Ms. WARREN)).

S. Res. 828. A resolution recognizing the end of the COVID-19 pandemic for Federal employees, service members, and contractors; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KING (for Mr. SCHUMER (for himself, Mr. GRASSLEY, Mr. DURBIN, Ms. MURKOWSKI, Mr. LEAHY, and Mr. SCHUMER)).

S. Res. 829. A resolution commemorating the 75th anniversary of the Marine Corps Reserve Toys for Tots Program and celebrating the long history of the commitment of the Marine Corps Reserve and the Marine Corps Reserve Toys for Tots Foundation to serving the local communities of the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 194

At the request of Mrs. SHAHEEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 194, a bill to amend title 10, United States Code, to provide treatment for eating disorders for dependents of members of the uniformed services.

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2044, a bill to amend the Fair Labor Standards Act of 1938 to prohibit employment of children in tobacco agriculture by deeming such employment as oppressive child labor.

S. 2736

At the request of Mr. BURR, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2736, a bill to extend vehicle use solely for competition from certain provisions of the Clean Air Act, and for other purposes.

S. 4201

At the request of Ms. COLLINS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 4203, a bill to extend the National Alzheimer’s Project.

S. 4609

At the request of Ms. STABENOW, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 4605, a bill to amend title XVIII of the Social Security Act to ensure stability in payments to home health agencies under the Medicare program.

S. 4916

At the request of Mr. LEAHY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 4916, a bill to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

S. 4976

At the request of Mr. KING, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 4976, a bill to amend the Trademark Act of 1946 to provide that the licensing of a mark for use by a related company may not be used to establish an employment relationship between the owner of the mark, or an authorizing person, and either that related company or the employees of that related company, and for other purposes.

S. 5021

At the request of Mr. MORAN, the name of the Senator from North Dakota (Mr. Cramer) was added as a cosponsor of S. 5021, a bill to amend the Internal Revenue Code of 1986 to exclude certain broadband grants from gross income.

S. 5045

At the request of Mr. MENENDEZ, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 5045, a bill to amend the Justice for United States Victims of State Sponsored Terrorism Act to authorize appropriations for catch-up payments from the United States Victims of State Sponsored Terrorism Fund.

S. CON. RES. 46

At the request of Mr. CARPER, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. CON. RES. 46, a concurrent resolution commemorating the 50th anniversary of the Federal Water Pollution Control Act Amendments of 1972, commonly known as the “Clean Water Act”.

S. CON. RES. 47

At the request of Mrs. BLACKBURN, the names of the Senator from Tennessee (Mr. HAGERTY), the Senator from North Dakota (Mr. HOEVEN), the Senator from Indiana (Mr. YOUNG) and the Senator from Maryland (Mr. VAN HOLLEN) were added as cosponsors of S. CON. RES. 47, a concurrent resolution commending the bravery, courage, and resolve of the women and men of Iran demonstrating in more than 80 cities and risking their safety to speak out against the Iranian regime’s human rights abuses.

S. RES. 754

At the request of Mrs. SHAHEEN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. Res. 754, a resolution designating November 13, 2022, as “National Warrior Call Day” in recognition of the importance of connecting warriors in the United States to support structures necessary to transition from the battlefield.

S. RES. 803

At the request of Mr. COONS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 803, a resolution condemning the detention and death of Mahsa Amini and calling on the Government of Iran to end its systemic persecution of women.

S. RES. 814

At the request of Mr. COONS, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. Res. 814, a resolution designating the week beginning on October 9, 2022, as “National Wildlife Refuge Week”.

AMENDMENT NO. 5565

At the request of Mr. CORNYN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of amendment No. 5565 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5601

At the request of Mr. FEINSTEIN, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of amendment No. 5601 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5606

At the request of Mr. HAWLEY, the names of the Senator from Arkansas (Mr. COTTON), the Senator from Florida (Mr. RUBIO), the Senator from Texas (Mr. CRUZ), the Senator from Utah (Mr. LEE), the Senator from Kansas (Mr. MARSHALL) and the Senator from Montana (Mr. DAINES) were added as co-sponsors of amendment No. 5606 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and 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.
At the request of Mr. Kaine, the name of the Senator from Indiana (Mr. Young) was added as a cosponsor of amendment No. 5884 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5862
At the request of Mrs. Shaheen, the name of the Senator from California (Mr. Padilla) was added as a cosponsor of amendment No. 5852 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 6256
At the request of Mrs. Ernst, the name of the Senator from New York (Mr. Gillibrand) was added as a cosponsor of amendment No. 6426 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5857
At the request of Mrs. Shaheen, the name of the Senator from Florida (Mr. Scott) was added as a cosponsor of amendment No. 5857 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5886
At the request of Mrs. Feinstein, the names of the Senator from Maryland (Mr. Cardin), the Senator from New York (Mrs. Gillibrand) and the Senator from New Hampshire (Mrs. Shaheen) were added as cosponsors of amendment No. 5886 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 6521
At the request of Mr. Padilla, the name of the Senator from Texas (Mr. Cruz) was added as a cosponsor of amendment No. 6141 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 6560
At the request of Mr. Padilla, the name of the Senator from Delaware (Mr. Coons) was added as a cosponsor of amendment No. 6161 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 6348
At the request of Mr. Menendez, the name of the Senator from Texas (Mr. Cornyn) was added as a cosponsor of amendment No. 6348 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and 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.
Thus far, the Federal Government’s response has failed to keep pace with this growing problem. I have repeatedly urged USDA Secretary Vilsack to come to the aid of these affected farmers, and the Relief for Farmers Hit with PFAS Act would finally activate the Department to help where it is needed most.

I urge my colleagues to support this bill. As the members of the Senate Agriculture Committee begin work on the 2023 farm bill, I hope that we can work together to pass the Relief for Farmers Hit with PFAS Act into law.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 822—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN UNITED STATES V. RHODES**

Mr. SCHUMER (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

Resolved, That Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, a department of the Office of the Sergeant at Arms and the Doorkeeper of the Senate, are authorized to provide the production of testimony from Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, a department of the Office of the Sergeant at Arms and the Doorkeeper of the Senate, are authorized to provide relevant testimony in the case of United States v. Groseclose, except concerning matters for which a privilege should be asserted.

**SENATE RESOLUTION 823—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN UNITED STATES V. GROSECLOSE**

Mr. SCHUMER (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

Resolved, That Virginia Brown, a former Chamber Assistant of the Senate, is authorized to provide relevant testimony in the case of United States v. Rhodes, except concerning matters for which a privilege should be asserted.

Resolved, That Virginia Brown, a former Chamber Assistant of the Senate, is authorized to provide relevant testimony in the case of United States v. Rhodes, except concerning matters for which a privilege should be asserted.

**SENATE RESOLUTION 824—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN UNITED STATES V. STEELE-SMITH**

Mr. SCHUMER (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

Resolved, That Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, are authorized to provide relevant testimony in the case of United States v. Groseclose, except concerning matters for which a privilege should be asserted.

**SENATE RESOLUTION 825—RECOGNIZING THE MONTH OF OCTOBER 2022 AS FILIPINO AMERICAN HISTORIC MONTH AND CELEBRATING THE HISTORY AND CULTURE OF FILIPINO AMERICANS AND THEIR IMMENSE CONTRIBUTIONS TO THE UNITED STATES**

Mr. KING (for Ms. HIRONO (for herself, Mr. BOOKER, Ms. CANTWELL, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. PADILLA, Mr. SCHUMER, Ms. SULLIVAN, and Mr. KAINE)) submitted the following resolution; which was referred to the Committee on the Judiciary:

Resolved, That Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, are authorized to provide relevant testimony in the case of United States v. Groseclose, except concerning matters for which a privilege should be asserted.

Resolved, That Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, are authorized to provide relevant testimony in the case of United States v. Groseclose, except concerning matters for which a privilege should be asserted.

Resolved, That Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, are authorized to provide relevant testimony in the case of United States v. Groseclose, except concerning matters for which a privilege should be asserted.

Resolved, That Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, are authorized to provide relevant testimony in the case of United States v. Groseclose, except concerning matters for which a privilege should be asserted.

Resolved, That Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, are authorized to provide relevant testimony in the case of United States v. Groseclose, except concerning matters for which a privilege should be asserted.

Resolved, That Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, are authorized to provide relevant testimony in the case of United States v. Groseclose, except concerning matters for which a privilege should be asserted.

Resolved, That Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, are authorized to provide relevant testimony in the case of United States v. Groseclose, except concerning matters for which a privilege should be asserted.

Resolved, That Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, are authorized to provide relevant testimony in the case of United States v. Groseclose, except concerning matters for which a privilege should be asserted.

Resolved, That Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, are authorized to provide relevant testimony in the case of United States v. Groseclose, except concerning matters for which a privilege should be asserted.

Resolved, That Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, are authorized to provide relevant testimony in the case of United States v. Groseclose, except concerning matters for which a privilege should be asserted.

Resolved, That Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, are authorized to provide relevant testimony in the case of United States v. Groseclose, except concerning matters for which a privilege should be asserted.
Scouts shall not be deemed to have been active service, and, therefore, those members did not qualify for certain benefits; Whereas 26,000 Filipino World War II veterans were denied United States citizenship as a result of the Immigration Act of 1990 (Public Law 101-649; 104 Stat. 4978), which was signed into law by President George H.W. Bush on November 29, 1990; Whereas, in 1991, the Filipino American National Historical Society made efforts to recognize October as Filipino American History Month for the first time; Whereas, on February 17, 2009, President Barack Obama signed into law the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115), which established the Filipino Veterans Equity Compensation Fund to compensate Filipino World War II veterans for their service to the United States; Whereas, since June 8, 2016, the Filipino World War II Veterans Parole Program has allowed Filipino World War II veterans and certain family members to be reunited more expeditiously than the immigrant visa process allowed at that time; Whereas, on December 14, 2016, President Barack Obama signed into law the Filipino Veterans of World War II Congressional Gold Medal Act of 2015 (Public Law 114-185; 130 Stat. 1171), which bestowed the Congressional Gold Medal on Filipino veterans who fought alongside the troops of the United States in World War II the highest civilian honor bestowed by Congress; Whereas, on October 25, 2017, the Congressional Gold Medal was presented to Filipino World War II veterans in Emancipation Hall in the Capitol Building, a recognition for which the veterans had waited for more than 70 years; Whereas Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that may be bestowed on an individual serving in the Armed Forces, and continue to demonstrate a commendable sense of patriotism and honor in the Armed Forces; Whereas the late Peter Agino Aduja of Hawaii and the late Thelma Garcia Buchholdt of Alaska became the first Filipino American elected to public office and the first Filipino American elected to a legislator role in the United States, respectively, inspiring their fellow Filipino Americans to pursue public service in politics and government; Whereas Filipino American farmworkers and labor leaders, such as Philip Vera Cruz and Larry Itliong, played an integral role in the multiethnic United Farm Workers movement, alongside Cesar Chavez, Dolores Huerta, and other Latino workers; Whereas, on April 25, 2012, President Barack Obama nominated Lorna G. Schofield to be a United States District Judge for the United States District Court for the Southern District of New York, and she was confirmed by the Senate on December 13, 2012, to be the first Filipino American in United States history to serve as an Article III Federal judge; Whereas Filipino Americans play an integral role on the frontlines of the COVID-19 pandemic in the healthcare system of the United States as nurses, doctors, first responders, and other medical professionals; Whereas Filipino Americans contribute greatly to music, dance, literature, education, business, journalism, sports, fashion, politics, government, science, technology, the fine arts, and other fields that enrich the United States; Whereas, as mandated in the mission statement of the Filipino American National Historical Society, efforts should continue to promote the study of Filipino American history and culture because the roles of Filipino Americans and other people of color have largely been overlooked in the writing, teaching, and learning of the history of the United States; Whereas it is imperative for Filipino American youth to have positive role models to instill—(1) the significance of education, complemented by the richness of Filipino American ethnicity; and (2) the value of the Filipino American legacy; and Whereas it is essential to promote the understanding, education, and appreciation of the history and culture of Filipino Americans in the United States: Now, therefore, be it
Resolved, That the Senate—(1) recognizes the celebration of Filipino American History Month in October 2022 as—(A) a testament to the advancement of Filipino Americans; (B) a time to reflect on and remember the many notable contributions that Filipino Americans have made to the United States; and (C) a time to renew efforts toward the research and examination of history and culture so that the Filipino people and its contributions for all people of the United States to learn more about Filipino Americans and to appreciate the historical and cultural significance of Filipino Americans to the United States; and (2) urges the people of the United States to observe Filipino American History Month with appropriate programs and activities.

SENATE RESOLUTION 826—DESIGNATING OCTOBER 26, 2022, AS THE ‘‘DAY OF THE DEPLOYED’’ Mr. KING (for Mr. Hoeven for him- self, Mr. Boozman, Mr. Warnock, Mr. Daines, and Ms. Warren) submitted the following resolution; which was referred to the Committee on the Judiciary:

That the Senate—(1) designates October 26, 2022, as the ‘‘Day of the Deployed’’; (2) honors the deployed members of the Armed Forces of the United States and the families of the members; (3) calls on the people of the United States to reflect on the service of those members of the Armed Forces, wherever the members serve, past, present, or future; and (4) encourages the people of the United States to observe the Day of the Deployed with appropriate ceremonies and activities.

SENATE RESOLUTION 827—SUPPORTING THE GOALS AND IDEALS OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH Mr. KING, for Mrs. Feinstein (for herself, Mr. Grassley, Mr. Durbin, Ms. Murkowski, Mr. Leahy, and Ms. Ernst)) submitted the following resolution; which was referred to the Committee on the Judiciary:

Whereas, according to the National Intimate Partner and Sexual Violence Survey—(1) up to 12,000,000 individuals in the United States report experiencing intimate partner violence annually, including physical violence, rape, or stalking; and (2) approximately 1 in 5 women in the United States and up to 1 in 7 men in the United States have experienced severe physical violence by an intimate partner at some point in their lifetimes; Whereas, on average, 3 women in the United States are killed each day by a current or former intimate partner, according to the Bureau of Justice Statistics; Whereas domestic violence can affect anyone, but women who are 18 to 34 years of age typically experience the highest rates of domestic violence; Whereas survivors of domestic violence are strong, courageous, and resilient; Whereas most female intimate partner violence have been victimized by the same offender previously; Whereas domestic violence is cited as a significant factor in homelessness among families; Whereas millions of children are exposed to domestic violence each year; Whereas a study has found that children who were exposed to domestic violence in their households were 15 times more likely to be physically or sexually assaulted in their lifetime than other children who were not exposed to domestic violence in their households; Whereas victims of domestic violence experience immediate and long-term negative outcomes, including detrimental effects on mental and physical health;
Whereas research consistently shows that being abused by an intimate partner increases an individual’s likelihood of substance use as well as associated harmful consequences;
Whereas victims of domestic violence may lose several days of paid work each year and may lose their jobs due to reasons stemming from domestic violence;
Whereas crisis hotlines serving domestic violence victims operate 24 hours per day, 365 days per year, and offer critical intervention services, support services, information, and referrals for victims;
Whereas staff and volunteers of domestic violence shelters and programs in the United States, in cooperation with State and territorial coalitions against domestic violence, provide essential services to—
1. thousands of adults and children each day; and
2. 1,000,000 adults and children each year;
Whereas domestic violence programs and hotlines have seen a substantial increase in contacts since 2020, and continue to experience a surge in requests for services, with the National Domestic Violence Hotline averaging approximately 2,600 daily contacts in 2022, up from 800 to 1,200 average daily contacts before the COVID–19 pandemic;
Whereas nearly 85 percent of American Indian and Alaska Native women have experienced some form of intimate partner violence in their lifetime;
Whereas respondents to a survey of domestic violence programs reported that survivors of domestic violence often face financial challenges, with 8,000,000 days of paid work lost each year due to intimate partner violence;
Whereas medical professionals have reported that survivors of domestic violence are presenting with more severe injuries during the pandemic;
Whereas domestic violence programs have changed the way they provide services in response to the COVID–19 pandemic;
Whereas advocates for survivors of domestic violence and survivors face the same challenges with child care and facilitating online learning that others do;
Whereas, according to a 2021 survey conducted by the National Network to End Domestic Violence, 78,052 domestic violence victims were discharged or were relieved by domestic violence shelters and programs around the United States in a single day;
Whereas some victims of domestic violence face displacement when charged with violating a law enforcement and services due to conditions specific to the communities in which they live;
Whereas law enforcement officers in the United States put their lives at risk each day by responding to incidents of domestic violence, which can be among the most volatile and deadly cases;
Whereas Congress first demonstrated a significant commitment to supporting victims of domestic violence with the enactment of the landmark Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.);
Whereas Congress has remained committed to protecting survivors of all forms of domestic violence and sexual abuse by making Federal funding available to support the activities that are authorized under—
1. the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.);
2. the Violence Against Women Act of 1994 (34 U.S.C. 1321 et seq.); and
3. the VOCA Fix to Sustain the Crime Victims Fund Act of 2021 (Public Law 117-27; 135 Stat. 301);
Whereas there is a need to continue to support these activities aimed at domestic violence intervention and domestic violence prevention in the United States;
Whereas domestic violence programs provide trauma-informed services to protect the safety, privacy, and confidentiality of survivors of domestic violence; and
Whereas individuals and organizations that are dedicated to preventing and ending domestic violence should be recognized: Now, therefore, be it
Resolved, That—
1. the Senate—
   (A) supports the goals and ideals of “National Domestic Violence Awareness Month”; and
   (B) commends domestic violence victim advocates, domestic violence service providers, crisis hotline staff, and first responders serving victims of domestic violence, for their compassionate support of survivors of domestic violence; and
   (C) recognizes the strength and courage of survivors of domestic violence; and
2. it is the sense of the Senate that Congress should—
   (A) continue to raise awareness of—
   (1) domestic violence in the United States; and
   (B) the corresponding devastating effects of domestic violence on survivors, families, and communities; and
   (B) pledge continued support for programs designed to—
   (1) assist survivors of domestic violence;
   (ii) hold perpetrators of domestic violence accountable; and
   (iii) bring an end to domestic violence.

SENATE RESOLUTION 828—RECOGNIZING THE END OF THE COVID–19 PANDEMIC FOR FEDERAL EMPLOYEES, SERVICEMEMBERS, AND CONTRACTORS

Mr. REED (for Mr. LANKFORD) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. Res. 828

Whereas, on September 18, 2022, President Biden said “the pandemic is over”;
Whereas, since January 2021, in the United States, the COVID–19 vaccine cases and hospitalizations have decreased by more than 75 percent and reported COVID–19-related deaths have decreased by almost 90 percent; and
Whereas, as of June 2022, 6,137 servicemembers had been discharged from service due to non-compliance with the COVID–19 vaccine requirement; Now, therefore, be it
Resolved, That it is the sense of the Senate that—
1. the President should remove all COVID–19 vaccine, testing, masking, and social distancing requirements on all Federal employees, servicemembers, and contractors;
2. all members of the Armed Forces who chose not to receive the COVID–19 vaccine and were relieved or discharged because of that choice should be reinstated and allowed to perform the same duties that those individuals performed before being so relieved or discharged; and
3. all Federal employees and contractors who chose not to receive the COVID–19 vaccine and were disciplined or restricted in any way because of that choice should be allowed to resume their typical duties without limitation.
October 11, 2022

SSpencer on DSK126QN23PROD with SENATE

AMENDMENTS SUBMITTED AND
PROPOSED
SA 6442. Mr. REED proposed an amendment to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the
Department of Defense and 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.
SA 6443. Mr. REED (for Ms. CANTWELL (for
herself and Mr. WICKER)) submitted an
amendment intended to be proposed to
amendment SA 5499 proposed by Mr. REED
(for himself and Mr. INHOFE) to the bill H.R.
7900, supra; which was ordered to lie on the
table.
SA 6444. Mr. REED (for Ms. CANTWELL (for
herself and Mr. WICKER)) submitted an
amendment intended to be proposed to
amendment SA 5499 proposed by Mr. REED
(for himself and Mr. INHOFE) to the bill H.R.
7900, supra; which was ordered to lie on the
table.
SA 6445. Mr. REED (for Mr. MENENDEZ)
submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
SA 6446. Mr. REED (for Mr. CORNYN (for
himself and Mr. WHITEHOUSE)) submitted an
amendment intended to be proposed to
amendment SA 5499 proposed by Mr. REED
(for himself and Mr. INHOFE) to the bill H.R.
7900, supra; which was ordered to lie on the
table.
SA 6447. Mr. REED (for Mr. MENENDEZ)
submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
SA 6448. Mr. REED (for Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
SA 6449. Mr. REED (for Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
SA 6450. Mr. REED (for Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
SA 6451. Mr. REED (for Mr. SCOTT of Florida) submitted an amendment intended to be
proposed to amendment SA 5499 proposed by
Mr. REED (for himself and Mr. INHOFE) to the
bill H.R. 7900, supra; which was ordered to lie
on the table.
SA 6452. Mr. REED (for Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
SA 6453. Mr. REED (for Mr. GRAHAM (for
himself and Mr. MENENDEZ)) submitted an
amendment intended to be proposed to
amendment SA 5499 proposed by Mr. REED
(for himself and Mr. INHOFE) to the bill H.R.
7900, supra; which was ordered to lie on the
table.
SA 6454. Mr. REED (for Mr. MANCHIN (for
himself, Mr. BARRASSO, and Mr. RISCH)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill

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H.R. 7900, supra; which was ordered to lie on
the table.
SA 6455. Mr. REED (for Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
SA 6456. Mr. REED (for Mrs. FEINSTEIN)
submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
SA 6457. Mr. REED (for Mr. OSSOFF (for
himself and Mr. SCOTT of South Carolina))
submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
SA 6458. Mr. REED (for Mr. VAN HOLLEN
(for himself and Mr. TILLIS)) submitted an
amendment intended to be proposed to
amendment SA 5499 proposed by Mr. REED
(for himself and Mr. INHOFE) to the bill H.R.
7900, supra; which was ordered to lie on the
table.
SA 6459. Mr. REED (for Mr. BLUMENTHAL)
submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
SA 6460. Mr. REED (for Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
SA 6461. Mr. REED (for Mrs. SHAHEEN (for
herself, Mr. MORAN, and Ms. HASSAN)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
SA 6462. Mr. REED (for Mr. SCHUMER (for
himself and Mr. CORNYN)) submitted an
amendment intended to be proposed to
amendment SA 5499 proposed by Mr. REED
(for himself and Mr. INHOFE) to the bill H.R.
7900, supra; which was ordered to lie on the
table.
SA 6463. Mr. REED (for himself and Ms.
COLLINS) submitted an amendment intended
to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr.
INHOFE) to the bill H.R. 7900, supra; which
was ordered to lie on the table.
SA 6464. Mr. REED (for Mr. PETERS (for
himself and Mr. PORTMAN)) submitted an
amendment intended to be proposed to
amendment SA 5499 proposed by Mr. REED
(for himself and Mr. INHOFE) to the bill H.R.
7900, supra; which was ordered to lie on the
table.
SA 6465. Mr. REED (for Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
SA 6466. Mr. REED (for Ms. CANTWELL (for
herself and Mr. WICKER)) submitted an
amendment intended to be proposed to
amendment SA 5499 proposed by Mr. REED
(for himself and Mr. INHOFE) to the bill H.R.
7900, supra; which was ordered to lie on the
table.
SA 6467. Mr. REED (for Mr. CORNYN (for
himself and Mr. KING)) submitted an amendment intended to be proposed to amendment
SA 5499 proposed by Mr. REED (for himself
and Mr. INHOFE) to the bill H.R. 7900, supra;
which was ordered to lie on the table.
SA 6468. Mr. REED (for Mr. CASSIDY) submitted an amendment intended to be pro-

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posed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
SA 6469. Mr. REED (for Mr. CORNYN (for
himself and Mr. KING)) submitted an amendment intended to be proposed to amendment
SA 5499 proposed by Mr. REED (for himself
and Mr. INHOFE) to the bill H.R. 7900, supra;
which was ordered to lie on the table.
SA 6470. Mr. REED (for Mr. CORNYN (for
himself and Mr. WHITEHOUSE)) submitted an
amendment intended to be proposed to
amendment SA 5499 proposed by Mr. REED
(for himself and Mr. INHOFE) to the bill H.R.
7900, supra; which was ordered to lie on the
table.
SA 6471. Mr. REED (for Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
SA 6472. Mr. REED (for Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
SA 6473. Mr. REED (for Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
SA 6474. Mr. REED (for Mr. GRASSLEY (for
himself, Ms. KLOBUCHAR, Mr. LEE, Mr.
LEAHY, and Mr. DURBIN)) submitted an
amendment intended to be proposed to
amendment SA 5499 proposed by Mr. REED
(for himself and Mr. INHOFE) to the bill H.R.
7900, supra; which was ordered to lie on the
table.
SA 6475. Mr. REED (for Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
SA 6476. Mr. REED (for Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr.
REED (for himself and Mr. INHOFE) to the bill
H.R. 7900, supra; which was ordered to lie on
the table.
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TEXT OF AMENDMENTS
SA 6442. Mr. REED proposed an
amendment to amendment SA 5499 proposed by Mr. REED (for himself and Mr.
INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023
for military activities of the Department of Defense and for military construction, and for defense activities of
the Department of Energy, to prescribe
military personnel strengths for such
fiscal year, and for other purposes; as
follows:
At the end add the following:
SEC. EFFECTIVE DATE.

This Act shall take effect on the date that
is 1 day after the date of enactment of this
Act.

SA 6443. Mr. REED (for Ms. CANT(for herself and Mr. WICKER)) submitted an amendment intended to be
proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr.
INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023
for military activities of the Department of Defense and for military construction, and for defense activities of
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the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—COAST GUARD AUTHORIZATION ACT OF 2022

SEC. 5001. SHORT TITLE; TABLE OF CONTENTS.
(a) Short Title.—This division may be cited as the “Coast Guard Authorization Act of 2022”.
(b) Table of Contents.—The table of contents for this division is as follows:

DIVISION E—COAST GUARD AUTHORIZATION ACT OF 2022
Sec. 5001. Short title; table of contents.
Sec. 5002. Definition of Commander.

TITLE LI—AUTHORIZATIONS
Sec. 5101. Authorization of appropriations.
Sec. 5102. Authorized levels of military personnel strengths for such fiscal year, and for other purposes.
Sec. 5103. Assignment of personnel.

TITLE LII—COAST GUARD
Sec. 5201. Authorization of acquisition of vessels.
Sec. 5202. Fleet mix analysis and shore infrastructure investment plan.
Sec. 5203. Acquisition life-cycle cost estimates.
Sec. 5204. Report and briefing on resourcing strategy for Western Pacific region.
Sec. 5205. Authorization for the child care subsidy program.

TITLE LIII—ENVIRONMENT
Sec. 5301. Definition of Secretary.
Subtitle A—Marine Mammals
Sec. 5302. Review of anchorage regulations.
Sec. 5303. Additional exceptions to regulations.
Sec. 5304. Accident and incident notification requirements.
Sec. 5305. Near real-time monitoring and cetacean tagging.
Sec. 5306. International cooperation and coordination.

TITLE LIV—OMNIBUS
Sec. 5401. Transfer and conveyance.
Sec. 5402. Transparency and oversight.
Sec. 5403. Authorization relating to certain maritime and fishing interests.
Sec. 5404. Pilot program to establish a Cetacean Desk for Puget Sound region.
Sec. 5405. Monitoring soundscapes.

TITLE LV—MISCELLANEOUS PROVISIONS
Sec. 5501. Definitions.
Subtitle A—Illegal Fishing and Forced Labor
Sec. 5502. Transparency and oversight.
Sec. 5503. Authorization relating to certain maritime and fishing interests.
Sec. 5504. Pilot program to establish a Cetacean Desk for Puget Sound region.
CHAPTER I—COMBATTING HUMAN TRAFFICKING THROUGH SEAFOOD IMPORT MONITORING

Sec. 5363. Data sharing and aggregation.
Sec. 5364. Import audits.
Sec. 5365. Availability of fisheries information.
Sec. 5366. Report on Seafood Import Monitoring Program.

Sec. 5367. Authentication of appropriations.

CHAPTER 2—STRENGTHENING INTERNATIONAL FISHERIES MANAGEMENT TO COMBAT HUMAN TRAFFICKING

Sec. 5365. Availability of fisheries information.
Sec. 5366. Report on seafood import monitoring program.

Sec. 5367. Denial of port privileges.

Sec. 5370. Denial of port privileges.

Sec. 5371. Identification and certification criteria.
Sec. 5372. Equivalent conservation measures.
Sec. 5373. Capacity building in foreign fisheries.
Sec. 5374. Training of United States observers.
Sec. 5375. Regulations.
Sec. 5376. Use of Devices Broadcasting on AIS for Purposes of Marking Fishing Gear.

TITLE LV—SUPPORT FOR COAST GUARD WORKFORCE
Subtitle A—Support for Coast Guard Members and Families

Sec. 5401. Coast Guard child care improvements.
Sec. 5402. Armed Forces access to Coast Guard child care facilities.
Sec. 5403. Cadet pregnancy policy improvements.
Sec. 5404. Combat-related special compensation.
Sec. 5405. Study on food security.

Subtitle B—Healthcare

Sec. 5421. Development of medical staffing standards for the Coast Guard.
Sec. 5422. Healthcare system review and strategic plan.
Sec. 5423. Data collection and access to care.
Sec. 5424. Behavioral health policy.
Sec. 5425. Members asserting post-traumatic stress disorder or traumatic brain injury.
Sec. 5426. Improvements to the Physical Disability Evaluation System and transition program.
Sec. 5427. Expansion of access to counseling.
Sec. 5428. Expansion of on-duty sponsored opportunities for members of the Coast Guard in medical and related fields.

Sec. 5429. Study on Coast Guard telemedicine program.
Sec. 5430. Study on Coast Guard medical facilities needs.

Subitle C—Housing

Sec. 5441. Strategy to improve quality of life at coast guard housing units.
Sec. 5442. Study on Coast Guard housing access, cost, and challenges.
Sec. 5443. A list of certain military housing conditions of enlisted members of the Coast Guard in Key West, Florida.
Sec. 5444. Study on Coast Guard housing authorities and privatized housing.

Subitle D—Other Matters

Sec. 5451. Report on availability of emergency supplies for Coast Guard personnel.

TITLE LV—MARITIME
Subtitle A—Vessel Safety
Sec. 5501. Abandoned Seafarers Fund amendment.

Sec. 5502. Receipts; international agreements for ice patrol services.
Sec. 5503. Passenger vessel security and safety requirements.
Sec. 5504. Air-sea rescue operations pilot program.
Sec. 5505. Exoneration and limitation of liability for small passenger vessels.
Sec. 5506. Moratorium on towing vessel inspection user fees.
Sec. 5507. Certain historic passenger vessels.
Sec. 5508. Coast Guard digital registration.
Sec. 5509. Responses to safety recommendations.
Sec. 5510. Comptroller General of the United States study and report on the Coast Guard’s oversight of third party organizations.
Sec. 5511. Articulated tug-barge maneuvering.
Sec. 5512. Alternate safety compliance program exception for certain vessels.

Subtitle B—Other Matters

Sec. 5521. Definition of a stateless vessel.
Sec. 5522. Reports to Congress; use of coastwise laws.
Sec. 5523. Study on multi-level supply chain conditions of enlisted members.
Sec. 5524. Study to modernize the merchant mariner licensing and documentation system.
Sec. 5525. Study and report on development and maintenance of mariner records database.
Sec. 5526. Assessment regarding application process for merchant mariner credentials.
Sec. 5527. Military to Mariners Act of 2022.
Sec. 5528. Floating dry docks.

TITLE LVII—SEXUAL ASSAULT AND SEXUAL HARASSMENT PREVENTION AND RESPONSE

Sec. 5601. Definitions.
Sec. 5602. Convinced sex offender as grounds for denial.
Sec. 5603. Accommodation; notices.
Sec. 5604. Protection against discrimination.
Sec. 5605. Alcohol at sea.
Sec. 5606. Sexual harassment or sexual assault as grounds for suspension and revocation.
Sec. 5607. Suspension requirements.
Sec. 5608. Master key control.
Sec. 5609. Safety management systems.
Sec. 5610. Requirement to report sexual assault.
Sec. 5611. Access to care and sexual assault forensic examinations.
Sec. 5612. Reports to Congress.
Sec. 5613. Policy on requests for permanent changes of station or unit transfers by persons who report being the victim of sexual assault.
Sec. 5614. Sex offenses and personnel records.
Sec. 5615. Study on Coast Guard oversight and investigations.
Sec. 5616. Study on Special Victims’ Counsel program.

TITLE LVIII—TECHNICAL, CONFORMING, AND CLARIFYING AMENDMENTS

Sec. 5621. Technical correction.
Sec. 5622. Terms and vacancies.

TITLE LIx—RULE OF CONSTRUCTION
Sec. 5631. Rule of construction.

TITLE LIX—AUTHORIZATIONS

Sec. 5701. Authorization of Appropriations.
Sec. 5702. Requirement for appointments.
Sec. 5703. Requirement for awards and recognition.
Sec. 5704. Authority to provide awards and recognition.
Sec. 5705. Retirement and separation.
Sec. 5706. Improving professional mariner staffing.

Sec. 5707. Legal assistance.
Sec. 5708. Acquisition of aircraft for extreme weather reconnaissance.
Sec. 5709. Report on professional mariner staffing needs.

Subtitle B—Other Matters


TITLE LX—TECHNICAL, CONFORMING, AND CLARIFYING AMENDMENTS

Sec. 5801. Technical correction.
Sec. 5802. Reinstatement.
Sec. 5803. Terms and vacancies.

TITLE LXI—RULE OF CONSTRUCTION
Sec. 5901. Rule of construction.

TITLE LXII—AUTHORIZATIONS

Sec. 5101. Authorization of Appropriations.
Sec. 5102. Authorized levels of military strength and training.

Sec. 4901 of title 14, United States Code, is amended—
(1) in the matter preceding paragraph (1), by striking “fiscal years 2020 and 2021” and inserting “fiscal years 2022 and 2023”;
(2) in paragraph (1)—
(A) in subparagraph (A), by striking clauses (i) and (ii) and inserting the following:
“(i) $10,000,000,000 for fiscal year 2022; and
(ii) $10,750,000,000 for fiscal year 2023.”;
(B) in subparagraph (B), by striking “$17,035,000” and inserting “$18,456,000”;
(C) in subparagraph (C), by striking “$14,376,000” and inserting “$15,335,000”;
(3) in paragraph (2)—
(A) in subparagraph (A), by striking clauses (i) and (ii) and inserting the following:
“$2,459,100,000 for fiscal year 2022; and
$3,277,000,000 for fiscal year 2023.”;
(B) in subparagraph (B), by striking clauses (i) and (ii) and inserting the following:
“$2,459,100,000 for fiscal year 2022; and
$3,277,000,000 for fiscal year 2023.”;
(C) in subparagraph (C), by striking “$2,459,100,000 for fiscal year 2022; and
$3,277,000,000 for fiscal year 2023.”;

Sec. 5102. Authorized levels of military strength and training.

Section 4901 of title 14, United States Code, is amended—
(1) in subsection (a), by striking “fiscal years 2020 and 2021” and inserting “fiscal years 2022 and 2023”; and
(2) in subsection (b) in the matter preceding paragraph (1), by striking “fiscal years 2020 and 2021” and inserting “fiscal years 2022 and 2023”;

TITLE LXII—AUTHORIZATIONS

(a) In General.—In addition to the amounts authorized to be appropriated under section 4902(a)(A) of title 14, United States Code, as amended by section 5101 of this division, for the period of fiscal years 2023 through 2028—
(1) $3,000,000,000 is authorized to fund maintenance, new construction, and repairs needed for Coast Guard shoreside infrastructure; and
(2) $150,000,000 is authorized to fund phase two of the recapitalization project at Coast Guard Training Center Cape May in Cape May, New Jersey, to improve recruitment.
and training of a diverse Coast Guard workforce; and
(3) $30,000,000,000 is authorized for the construction of additional new child care development facilities. The funds are authorized by the Infrastructure Investment and Jobs Act (Public Law 117-58; 135 Stat. 249).

(b) COAST GUARD YARD RESILIENT INFRASTRUCTURE AND CONSTRUCTION IMPROVEMENT.—In addition to the amounts authorized to be appropriated under section 4902(2)(A)(ii) of title 14, United States Code, as amended by section 5101 of this division—
(1) $400,000,000 is authorized for the period of fiscal years 2023 through 2026 for the Secretary of the Department in which the Coast Guard is operating for the purposes of improvements to facilities of the Yard; and
(2) $250,000,000 is authorized for the acquisition of a new floating drydock, to remain available until expended.

SEC. 5104. AUTHORIZATION FOR ACQUISITION OF VESSELS.
In addition to the amounts authorized to be appropriated under section 4902(2)(A)(ii) of title 14, United States Code, as amended by section 5101 of this division, the funds are authorized for the period of fiscal years 2023 through 2026 for the Secretary of the Department in which the Coast Guard is operating for the purposes of—
(1) $550,000,000 is authorized for the acquisition of a Great Lakes icebreaker that is at least as capable as the Coast Guard cutter Mackinaw (WLB-H-30); and
(2) $172,500,000 is authorized for the program management, design, and acquisition of 12 new heavy weatherboats that are at least as capable as the Coast Guard 52-foot motor surfboat;
(3) $681,000,000 is authorized for the third Polar Security Cutter;
(4) $20,000,000 is authorized for initiation of activities to support acquisition of the Arctic Security Cutter class, including program planning and development activities to include the establishment of an Arctic Security Cutter Program Office;
(5) $650,000,000 is authorized for the continued acquisition of Offshore Patrol Cutters; and
(6) $650,000,000 is authorized for a twelfth National Security Cutter.

SEC. 5105. AUTHORIZATION FOR THE CHILD CARE SUBSIDY PROGRAM.
In addition to the amounts authorized to be appropriated under section 4902(2)(A)(ii) of title 14, United States Code, $20,000,000 is authorized to the Commandant for each of fiscal years 2023 and 2024 for the child care subsidy program.

TITLE LI—COAST GUARD
Subtitle A—Infrastructure and Assets
SEC. 5201. REPORT ON SHORESIDE INFRASTRUCTURE AND FACILITIES NEEDS.
Not less frequently than annually, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—
(1) a detailed list of shoreside infrastructure needs for all Coast Guard facilities located within each Coast Guard District in the order of priority, including recapitalization, maintenance needs in excess of $25,000, dredging, and other shoreside infrastructure needs of the Coast Guard;
(2) the estimated cost of projects to fulfill such needs, to the extent available; and
(3) a general description of the state of planning for each such project.

SEC. 5202. FLEET MIX ANALYSIS AND SHORE INFRASTRUCTURE INVESTMENT PLAN.
(a) FLEET MIX ANALYSIS.—
(1) IN GENERAL.—The Commandant shall conduct a fleet mix analysis that provides for a fleet mix sufficient, as determined by the Commandant—
(A) to carry out—
(i) the missions of the Coast Guard; and
(ii) the global deployment of the Coast Guard to counter great power competitors.
(2) REPORT.—Not later than 1 year after the date on which the report under subsection (a)(2) is submitted, the Commandant shall submit to Congress a report on the results of the updated fleet mix analysis required by paragraph (1).

(b) SHORE INFRASTRUCTURE INVESTMENT PLAN.—
(1) IN GENERAL.—The Commandant shall develop an updated shore infrastructure investment plan for construction and life-cycle support of facilities, including the following:
(A) the construction of additional facilities to accommodate the updated fleet mix described in subsection (a)(1);
(B) improvements necessary to ensure that existing facilities meet requirements and remain operational for the lifespan of such fleet mix, including necessary improvements to information technology infrastructure;
(C) a timeline for the construction and improvement of the facilities described in subparagraphs (A) and (B); and
(D) a cost estimate for construction and life-cycle support of such facilities, including for necessary personnel.
(2) REPORT.—Not later than 1 year after the date on which the report under subsection (a)(2) is submitted, the Commandant shall submit to Congress a report on the plan required by paragraph (1).

SEC. 5203. ACQUISITION LIFE-CYCLE COST ESTIMATES.
Section 1313(e) of title 14, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following:
"(2) TYPES OF ESTIMATES.—For each Level 1 or Level 2 acquisition program or project, in addition to life-cycle cost estimates developed under paragraph (1), the Commandant shall require—
(A) such life-cycle cost estimates to be updated before—
(i) each milestone decision is concluded; and
(ii) the project or program enters a new acquisition phase; and
(B) an independent cost estimate or independent cost assessment, as appropriate, to be developed to validate such life-cycle cost estimates."

SEC. 5204. REPORT AND BRIEFING ON RESOURCEING STRATEGY FOR WESTERN PACIFIC REGION.
(a) REPORT.—
(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant, in consultation with the United States Indo-Pacific Command or subordinate commands; and
(2) RESOURCING STRATEGY FOR WESTERN PACIFIC REGION, INCLUDING CUBA; and
SEC. 5205. STUDY AND REPORT ON NATIONAL SECURITY AND DRUG TRAFFICKING THREATS IN THE FLORIDA STRAITS AND CARIBBEAN REGION.
(a) IN GENERAL.—The Commandant shall conduct a study on national security, drug trafficking, and other relevant threats as the Commandant considers appropriate, in the Florida Straits and Caribbean region, including Cuba.
(b) ELEMENTS.—The study required by subsection (a) shall include the following:
(1) An assessment of—
(A) drug trafficking and other criminal activities used by transnational criminal organizations to evade detection and interdiction by Coast Guard law enforcement units and inter-agency partners.
(B) capability gaps of the Coast Guard with respect to—
(i) the detection and interdiction of illicit drugs in the Florida Straits and Caribbean region, including Cuba; and
(ii) the detection of national security threats in such region.
(2) IDENTIFICATION OF—
(A) the critical technological advances required for the Coast Guard to meet

Coast Guard operations in the Western Pacific region; and
(iii) to support the call of the President, as set forth in the Indo-Pacific Strategy, to expand United States commitment and cooperation in Southeast Asia, South Asia, and the Pacific Islands, with a focus on advising, training, deployment, and capacity building.

A description of this Act, the Commandant shall submit to Congress a report on the results of the updated fleet mix analysis required by paragraph (1).
current and anticipated threats in such region;
(B) the capabilities required to enhance information sharing and coordination between the Coast Guard and international partners, foreign governments, and related civilian entities; and
(C) any significant new or developing threat to the United States posed by illicit actors in such region.
(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study under subsection (a).

SEC. 5206. COAST GUARD YARD.
(a) IN GENERAL.—With respect to the Coast Guard Yard, the purposes of the authorization under section 503(b) are:
(1) to improve resilience and capacity;
(2) to maintain and expand Coast Guard organic manufacturing capacity;
(3) to expand training and recruitment;
(4) to enhance safety;
(5) to improve environmental compliance; and
(6) to ensure that the Coast Guard Yard is prepared to meet the growing needs of the modern Coast Guard fleet.
(b) INCLUSION.—The Secretary of the department in which the Coast Guard is operating shall ensure that the Coast Guard Yard receives improvements that include the following:
(1) Facilities upgrades needed to improve resilience of the shipyard, its facilities, and associated infrastructure.
(2) Construction of a large-capacity drydock.
(3) Improvements to piers and wharves, drydocks, and capital equipment utilities.
(4) Environmental remediation.
(5) Construction of a new warehouse and paint facility.
(6) Acquisition of a new travel lift.
(7) Dredging necessary to facilitate access to the Coast Guard Yard.
(c) WORKFORCE DEVELOPMENT PLAN.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a workforce development plan that:
(1) outlines the workforce needs of the Coast Guard Yard with respect to civilian employees and active duty members of the Coast Guard;
(2) includes strategies to increase diversity of the workforce; and
(3) includes recommendations for cooperation with the authorities to develop solutions to ensure that the workforce of the Coast Guard Yard has the skills necessary to meet workforce needs of the Coast Guard Yard for the 1-year period beginning on the date of submission of the plan.

SEC. 5207. AUTHORITY TO ENTER INTO TRANSACTIONS OTHER THAN CONTRACTS TO PROCUREMENT OF COST-EFFECTIVE TECHNOLOGY FOR MISION- CRITICAL NEEDS.
(a) IN GENERAL.—Subchapter III of chapter 11 of title 14, United States Code, is amended by adding at the end the following:
``SEC. 1158. Authority to enter into transactions other than contracts and grants to procure cost-effective, advanced technology for mission-critical needs.
``(a) IN GENERAL.—Subject to subsections (b) and (c), the Commandant may enter into transactions (other than contracts, cooperative agreements, and grants) to develop prototypes for, and to operate and procure, cost-effective technology for the purpose of meeting the mission-critical needs of the Coast Guard.
``(b) PROCUREMENT AND ACQUISITION.—Procurement or acquisition of technologies under subsection (a) shall be:
``(1) carried out in accordance with this title and Coast Guard policies and guidance; and
``(2) consistent with the operational requirements of the Coast Guard.
``(c) LIMITATIONS.—
``(1) IN GENERAL.—The Commandant may not enter into an agreement under subsection (a) with respect to a technology that—
``(A) does not comply with the cybersecurity standards of the Coast Guard; or
``(B) is sourced from an entity domiciled in the People’s Republic of China, unless the Commandant determines that the technology, operation, or procurement of such a technology is for the purpose of—
``(i) counter-UAS operations, surrogate testing, or training; or
``(ii) intelligence, surveillance, and reconnaissance operations, testing, analysis, and training.
``(2) WAIVER.—The Commandant may waive the application of paragraph (1) on a case-by-case basis by certifying in writing to the Secretary of Homeland Security and the appropriate committees of Congress that the prototype or operational development of the applicable technology is in the national interests of the United States.
``(d) EDUCATION AND TRAINING.—The Commandant shall ensure that management, technical, and contracting personnel of the Coast Guard involved in the award or administration of transactions under this section, or other innovative forms of contracting, are provided opportunities for adequate education and training with respect to the authority under this section.
``(e) REPORT.—
``(1) IN GENERAL.—Not later than 5 years after the date of the enactment of this section, the Commandant shall submit to the appropriate committees of Congress a report that—
``(A) describes the use of the authority pursuant to this section and
``(B) assesses the mission and operational benefits of such authority.
``(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—
``(A) the Committee on Commerce, Science, and Transportation of the Senate; and
``(B) the Committee on Transportation and Infrastructure of the House of Representatives.
``(f) REGULATIONS.—The Commandant shall prescribe regulations as necessary to carry out this section.
``(g) DEFINITIONS OF UNMANNED AIRCRAFT, UNMANNED AIRCRAFT SYSTEM, AND COUNTER-UAS.—In this section, the terms ‘unmanned aircraft’, ‘unmanned aircraft system’, and ‘counter-UAS’ have the meanings given such terms in section 44801 of title 49, United States Code.”.
(b) CLERICAL AMENDMENT.—The analysis for subsection III of chapter 11 of title 14, United States Code, is amended by adding at the end the following:
``1158. Authority to enter into transactions other than contracts and grants to procure cost-effective technology for mission needs.’’.

SEC. 5208. IMPROVEMENTS TO INFRASTRUCTURE AND OPERATIONS PLANNING.
(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall:
(1) coordinate with the Under Secretary of Commerce for Oceans and Atmosphere to ensure the incorporation of the most recent environmental and climatic data; and
(2) request technical assistance and advice from the Under Secretary in planning scenarios, as appropriate.
(b) C OORDINATION WITH NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—In carrying out subsection (a), the Commandant shall—
(1) coordinate with the Under Secretary of Commerce for Oceans and Atmosphere to ensure the incorporation of the most recent environmental and climatic data; and
(2) request technical assistance and advice from the Under Secretary in planning scenarios, as appropriate.
(c) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the manner in which the best-available science from the National Oceanic and Atmospheric Administration has been incorporated into at least 1 key mission area of the Coast Guard, and the lessons learned from so doing.

SEC. 5209. AQUA ALERT NOTIFICATION SYSTEM PILOT PROGRAM.
(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall, subject to the availability of appropriations, establish a pilot program to improve the issuance of alerts to facilitate cooperation with the public to render aid to distressed individuals under section 521 of title 14, United States Code.
(b) PROGRAM.—Pursuant to the pilot program established under subsection (a) shall, to the maximum extent possible—
(1) include a voluntary opt-in program under which members of the public, if appropriate, and the entities described in subsection (c), may receive notifications on cellular devices regarding Coast Guard activities to render aid to distressed individuals under section 521 of title 14, United States Code;
(2) cover areas located within the area of responsibility of 3 different Coast Guard sectors in diverse geographic regions; and
(3) provide that the dissemination of an alert shall be limited to the geographic areas necessary to facilitate the rendering of aid to distressed individuals.
(c) CONSULTATION.—In developing the pilot program under subsection (a), the Commandant shall consult—
(1) the head of any relevant Federal agency;
(2) the government of any relevant State;
(3) any Tribal Government;
(4) the government of any relevant territory or possession of the United States; and
(5) any relevant political subdivision of an entity described in paragraph (2), (3), or (4).
(d) REPORT TO CONGRESS.—
(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter through 2026, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of this section.
(2) PUBLIC AVAILABILITY.—The Commandant shall make the report submitted under paragraph (1) available to the public.
(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commandant for the fiscal year under section 5208, $3,000,000 for each of fiscal years 2023 through 2026, to remain available until expended.
Subtitle B—Great Lakes

SEC. 5211. GREAT LAKES WINTER COMMERCE.

(a) In General.—Subchapter IV of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§ 564. Great Lakes icebreaking operations

"(a) GAO REPORT.

"(1) In General.—Not later than 1 year after the date of the enactment of this section, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Coast Guard Great Lakes icebreaking program.

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

"(i) An evaluation of the economic impact of vessel delays or cancellations associated with ice coverage on the Great Lakes.

"(ii) An evaluation of mission needs of the Coast Guard Great Lakes icebreaking program.

"(iii) An evaluation of the impact that the proposed standards described in subsection (b) would have on—

"(I) Coast Guard operations in the Great Lakes.

"(II) Northeast icebreaking missions; and

"(III) Inland waterway operations.

"(d) Fleet mix analysis for meeting such proposed standards.

"(e) Description of the resources necessary to support the fleet mix resulting from such fleet mix analysis, including for crew and operating costs.

"(f) Recommendations to the Commandant for improvements to the Great Lakes icebreaking program, including with respect to facilitating commerce and meeting all Coast Guard mission needs.

"(b) Proposed Standards for Icebreaking Operations.—The proposed standards described in this subsection are the following:

"(1) Except as provided in paragraph (2), the Commandant shall keep ice-covered waterways in the Great Lakes open to navigation during not less than 90 percent of the hours that commercial vessels and ferries attempt to transit such ice-covered waterways.

"(2) In a year in which the Great Lakes are not closed to navigation because of ice of a thickness that occurs on average only once every 10 years, the Commandant shall keep ice-covered waterways in the Great Lakes open to navigation during not less than 70 percent of the hours that commercial vessels and ferries attempt to transit such ice-covered waterways.

"(c) Report by Commandant.—Not later than 90 days after the date on which the Comptroller General submits the report under subsection (a), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes the following:

"(1) A plan for Coast Guard implementation of any recommendation made by the Comptroller General under subparagraph (F) of subsection (a)(2) the Commandant considers appropriate.

"(2) With respect to any recommendation made by the Comptroller General under subparagraph (F) of subsection (d) of that subsection.

"(3) A review of, and a proposed implementation plan for the results of the fleet mix analysis under subparagraph (D) of that subsection.

"(4) Any proposed modifications to the standards for icebreaking operations in the Great Lakes.

"(d) Definitions.—In this section:

"(1) Commercial vessel.—The term ‘commercial vessel’ means any privately owned cargo vessel operating in the Great Lakes during the winter season of at least 500 tons, as measured under section 14502 of title 46, or any large commercial vessel, as measured under section 14302 of such title, except that no tonnage less than 200 tons shall be charged with the costs of icebreaking.

"(2) Great Lakes.—The term ‘Great Lakes’ means the United States waters of Lake Superior, Lake Michigan, Lake Huron, Lake Erie, and Lake Ontario, their connecting waterways, and their adjacent harbors.

"(3) Ice-covered waterway.—The term ‘ice-covered waterway’ means any portion of the Great Lakes in which commercial vessels and ferries are permitted to transit due to inadequate icebreaking. The term ‘ice-covered waterway’ does not include any waters adjacent to piers or docks for which commercial icebreaking services are available and adequate for the ice conditions.

"(4) Open to navigation.—The term ‘open to navigation’ means navigable to the extent necessary, in no particular order of priority—

"(A) To extractive vessels and individuals from danger;

"(B) To prevent damage due to flooding;

"(C) To meet the reasonable demands of commerce;

"(D) To minimize delays to passenger ferries; and

"(E) To conduct other Coast Guard missions as required.

"(5) Reasonable demands of commerce.—The term ‘reasonable demands of commerce’ means the safe movement of commercial vessels and ferries transiting ice-covered waterways in the Great Lakes, regardless of type of cargo, at a speed consistent with all of the design capability of Coast Guard icebreakers operating in the Great Lakes and appropriate to the ice capability of the commercial vessels.

"(6) Clerical Amendment.—The analysis for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§ 564. Great Lakes icebreaking operations.

"(a) In General.—The Commandant shall establish and maintain a database for collecting, archiving, and disseminating data on icebreaking operations and commercial vessel and ferry transit in the Great Lakes during ice season.

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

"(1) Attempts by commercial vessels and ferries to transit ice-covered waterways in the Great Lakes that are unsuccessful because of inadequate icebreaking.

"(2) The period of time that each commercial vessel or ferry was unsuccessful at so transiting, due to inadequate icebreaking.

"(3) The amount of time elapsed before each such commercial vessel or ferry was successfully broken out of the ice and whether it was accomplished by the Coast Guard or by commercial icebreaking assets.

"(4) Relevant communications of each such commercial vessel or ferry with the Coast Guard and with commercial icebreaking services during such period.

"(5) A description of any mitigating circumstance, such as Coast Guard icebreaker diversions to other missions, that may have contributed to the amount of time described in paragraph (3).

"(c) Voluntary Reporting.—Any reporting by operators of commercial vessels or ferries under this section shall be voluntary.

"(d) Public Availability.—The Commandant shall make such data available to the public on a publicly accessible Internet website of the Coast Guard.

"(e) Consultation With Industry.—With respect to the Great Lakes icebreaking operations of the Coast Guard and the development of the database required under subsection (a), the Commandant shall consult with operators of commercial vessels and ferries.

"(f) Definitions.—In this section:

"(1) Commercial vessel.—The term ‘commercial vessel’ means any privately owned cargo vessel operating in the Great Lakes during the winter season of at least 500 tons, as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of such title, except that no tonnage less than 200 tons shall be charged with the costs of icebreaking.

"(2) Great Lakes.—The term ‘Great Lakes’ means the United States waters of Lake Superior, Lake Michigan, Lake Huron, Lake Erie, and Lake Ontario, their connecting waterways, and their adjacent harbors.

"(3) Ice-covered waterway.—The term ‘ice-covered waterway’ means any portion of the Great Lakes in which commercial vessels or ferries operate that is 70 percent or greater covered by ice, but does not include any waters adjacent to piers or docks for which commercial icebreaking services are available and adequate for the ice conditions.

"(4) Open to navigation.—The term ‘open to navigation’ means navigable to the extent necessary, in no particular order of priority—

"(A) To extractive vessels and individuals from danger;

"(B) To prevent damage due to flooding;

"(C) To meet the reasonable demands of commerce;

"(D) To minimize delays to passenger ferries; and

"(E) To conduct other Coast Guard missions as required.

"(5) Reasonable demands of commerce.—The term ‘reasonable demands of commerce’ means the safe movement of commercial vessels and ferries transiting ice-covered waterways in the Great Lakes, regardless of type of cargo, at a speed consistent with the design capability of Coast Guard icebreakers operating in the Great Lakes and appropriate to the ice capability of the commercial vessel.

"(g) Public Reporting.—Not later than July 1 after the first winter in which the Commandant is subject to section 564 of title 14, United States Code, the Commandant shall publish on a publicly accessible internet website of the Coast Guard a report on the use of the Coast Guard of meeting the requirements of that section.

SEC. 5212. DATABASE ON ICEBREAKING OPERATIONS IN THE GREAT LAKES.

(a) In General.—The Commandant shall develop a plan to expand snowmobile procurement for Coast Guard units at which snowmobiles may improve ice rescue response times while maintaining the safety of Coast Guard personnel engaged in search and rescue. The plan must include consideration of input from Officers in Charge, Commanding Officers, and Commanders of impacted units.

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

"(1) A consideration of input from officers in charge, commanding officers, and commanders of affected Coast Guard units;

"(2) A detailed description of the estimated costs of procuring, maintaining, and training members of the Coast Guard at affected units to use snowmobiles; and

"(3) A report on the degree to which snowmobiles may improve ice rescue response times while...
maintaining the safety of Coast Guard personnel engaged in search and rescue;
(B) the operational capabilities of a snowmobile, as compared to an airboat, and a force laydown assessment with respect to the assets needed for effective operations at Coast Guard units conducting ice rescue activities; and
(C) the potential risks to members of the Coast Guard and members of the public posed by the use of snowmobiles by members of the Coast Guard for ice rescue activities.

SEC. 5214. GREAT LAKES BARGE INSPECTION EXEMPTION.

Section 3302(m) of title 46, United States Code, is amended—
(1) in the matter preceding paragraph (1), by inserting “Great Lakes barge” after “seagoing barge”;
and
(2) by striking “section 3301(6) of this title” and inserting “paragraph (6) or (13) of section 3301 of this title”.

SEC. 5215. STUDY ON SUFICIENCY OF COAST GUARD AVIATION AVETS TO MEET MISSION DEMANDS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on—
(1) the force laydown of Coast Guard aviation assets; and
(2) any geographic gaps in coverage by Coast Guard assets in areas in which the Coast Guard has search and rescue responsibilities.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:
(1) The distance, time, and weather challenges that MH-65 and MH-60 series aircraft face in reaching the outermost limits of the area of operation for Coast Guard District 9 and Coast Guard District 8 for which such units are responsible.
(2) An assessment of the advantages that Coast Guard fixed-wing aircraft, or an alternate rotary wing asset, would offer to the outermost limits of any area of operation for purposes of search and rescue, law enforcement, and incident prevention.
(3) A comparison of advantages and disadvantages of the manner in which each of the Coast Guard fixed-wing aircraft would operate in the outermost limits of any area of operation.
(4) A specific assessment of the coverage gaps, including gaps in fixed-wing coverage, and potential solutions to address such gaps in the area of operation of Coast Guard District 9 and Coast Guard District 8, including the eastern region of such area of operation with regard to Coast Guard District 9 and the southern region of such area of operation with regard to Coast Guard District 8.

Subtitle C—Arctic

SEC. 5221. ESTABLISHMENT OF THE ARCTIC SECURITY CUTTER PROGRAM OFFICE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commandant shall establish in the Office of the Arctic Security Cutter a program office, to be known as the Office of the Arctic Security Cutter Program Office, to—
(1) coordinate, integrate, and manage the program office’s activities, processes, and resources in accordance with the guidance of the Commandant; and
(2) provide the necessary support to the Coast Guard’s Arctic Security Cutter Program.

(b) DESIGN PHASE.—Not later than 270 days after the date of the enactment of this Act, the Commandant shall initiate the design phase of the Arctic Security Cutter vessel class.

(c) QUARTERLY BRIEFINGS.—Not less frequently than quarterly until the date on which the contract for acquisition of the Arctic Security Cutter is awarded, the Commandant shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the status of requirements evaluations, design of the vessel, and schedule of the program.

SEC. 5222. ARCTIC ACTIVITIES.

(a) DEFINITIONS.—In this section:
(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—
(A) the Committee on Commerce, Science, and Transportation of the Senate; and
(B) the Committee on Transportation and Infrastructure of the House of Representatives.
(2) ARCTIC.—The term “Arctic” has the meaning given such term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(b) ARCTIC OPERATIONAL IMPLEMENTATION REPORT.—Not later than 1 year 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 findings of the study.

(c) PUBLIC AVAILABILITY.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall identify and make the plan available on a publicly accessible Internet website of the Coast Guard.

SEC. 5223. STUDY ON ARCTIC OPERATIONS AND INFRASTRUCTURE.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study on the Arctic operations and infrastructure of the Coast Guard.

(b) ELEMENTS.—The study required under subsection (a) shall assess the following:
(1) The extent of the collaboration between the Coast Guard and the Department of Defense to assess, manage, and mitigate security risks in the Arctic region.
(2) Actions taken by the Coast Guard to manage risks to Coast Guard operations, infrastructure, and workforce planning in the Arctic.
(3) The plans the Coast Guard has in place for managing and mitigating the risks to commercial maritime operations and the environment in the Arctic region.

(c) REPORT.—Not later than 1 year after the date on which the study required under subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

Subtitle D—Maritime Cyber and Artificial Intelligence

SEC. 5224. ENHANCING MARITIME CYBERSECURITY.

(a) DEFINITIONS.—In this section:
(1) CRITICAL INFRASTRUCTURE.—The term “critical infrastructure” means an asset or a group of related assets that are so vital to the national security of the United States that the functionality of such asset or group of related assets is so critical to the national security of the United States.
(2) CYBER INCIDENT.—The term “cyber incident” has the meaning given such term in section 2209(a) of the Homeland Security Act of 2002 (6 U.S.C. 639(a)).

(b) MARITIME OPERATORS.—The term “maritime operators” means the owners or operators of vessels engaged in commercial service, the owners or operators of port facilities, and port authorities.

(c) PORT FACILITIES.—The term “port facilities” means the term “facilities” in section 70011 of title 46.

(d) PUBLIC AVAILABILITY OF CYBERSECURITY TOOLS AND RESOURCES.—
(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Director of the Maritime Administration, in coordination with the Administrator of the Maritime Administration, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of the National Institute of Standards and Technology, shall identify tools and resources that—
(A) comply with the cybersecurity framework for improving critical infrastructure established by the National Institute of Standards and Technology; or
(B) use the guidelines on maritime cyber risk management issued by the International Maritime Organization.

(e) Q UARTERLY BRIEFINGS.—Not less frequently than quarterly until the date on which the contract for acquisition of the Arctic Security Cutter is awarded, the Commandant shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the status of the Arctic Security Cutter program.

(f) PROCUREMENT OF CYBERSECURITY TOOLS AND RESOURCES.—
(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall—
(A) identify tools and resources for purposes of—
(i) increasing effectiveness and efficiency of mission execution;
(ii) autonomous control; and
(iii) computer vision technology projects;
(B) such sensors and methods of communication as are necessary to control, and cybersecurity experts to assist in conducting, search and rescue, surveillance, and interdiction missions.

(g) DATA COLLECTION.—As part of the project required by paragraph (1), the Comptroller General of the United States shall collect and evaluate field-collected operational data from the retrofit described in such project so as to inform future requirements.

(h) BRIEFING.—Not later than 180 days after the date on which the project required under paragraph (1) is completed, the Comptroller General of the United States shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the project that includes an evaluation of the data collected from the project.

(i) UNMANNED SYSTEM DEFINITION.—In this section, the term “unmanned system” means—
SEC. 5231. ARTIFICIAL INTELLIGENCE STRATEGY.

(a) Establishment of activities.—

(1) In general.—The Commandant shall establish a set of activities to support the efforts of the Coast Guard to develop and mature artificial intelligence technologies and transition such technologies into operational use where appropriate.

(2) Emphasis.—The set of activities established under paragraph (1) shall—

(A) apply artificial intelligence and machine learning for use in operational and mission-support activities;

(B) coordinate activities involving artificial intelligence and artificial intelligence-enabled systems within the Coast Guard;

(C) designate a senior official of the Coast Guard (referred to in this section as the “designated official”) with the principal responsibility for the coordination of activities relating to the development and demonstration of artificial intelligence and machine learning for the Coast Guard.

(b) Duties.—

(1) Strategic plan.—The designated official shall—

(A) develop a strategic plan to develop, mature, adopt, and transition artificial intelligence technologies into operational use where appropriate;

(B) ensure coordination of artificial intelligence activities of the Coast Guard and unaffiliated, nonprofit research institutions.

(2) Performance objectives and accompanying metrics.—

(A) Each element described in clause (ii) of subsection (a)(2)(A) shall include the following:

(I) A strategic roadmap for the identification and coordination of the development and fielding of artificial intelligence technologies and key enabling capabilities.

(II) The continuous evaluation and adaptation of relevant artificial intelligence capabilities provided by the Coast Guard and by other organizations for military missions and business operations.

(B) In carrying out subsection (a), the Commandant shall—

(i) conduct a comprehensive review and assessment of the performance objectives and accompanying metrics established under this section; and

(ii) conduct an independent review of the performance objectives and accompanying metrics established under this section.

(c) Acceleration of development and fielding of artificial intelligence.—To the extent practicable, the Commandant shall—

(1) use the flexibility of regulations, personnel, acquisition, partnerships with industry and academia, or other relevant policies of the Coast Guard to accelerate the development and fielding of artificial intelligence capabilities;

(2) ensure engagement with defense and private industry, research universities and unaffiliated, nonprofit research institutions;

(3) provide technical advice and support to entities in the Coast Guard to optimize the use of artificial intelligence and machine-learning technologies to meet Coast Guard missions;

(4) support the development of requirements for artificial intelligence capabilities that address the highest priority capability gaps of the Coast Guard and technical feasibility;

(5) develop and support capabilities for technical analysis and assessment of threats capabilities based on artificial intelligence;

(6) identify the workforce and capabilities needed to support the artificial intelligence capabilities and requirements of the Coast Guard;

(7) develop classification guidance for all artificial intelligence-related activities of the Coast Guard;

(8) work with appropriate officials to develop appropriate ethical, legal, and other frameworks for the development and use of artificial intelligence-enabled systems and technologies in operational situations; and

(9) ensure—

(A) that artificial intelligence programs of the Coast Guard are consistent with this section;

(B) appropriate coordination of artificial intelligence activities of the Coast Guard with interagency, industry, and international efforts relating to artificial intelligence, including relevant participation in standards-setting bodies.

(d) Interim strategic plan.—

(1) In general.—The Commandant shall develop a strategic plan to develop, mature, adopt, and transition artificial intelligence technologies into operational use where appropriate, that incorporated by the plan developed by the designated official under subsection (b)(2)(A).

(2) Elements.—The plan required by paragraph (1) shall include the following:

(A) Each element described in clause (1) of subsection (b)(2)(A).

(B) A consideration of the identification, adoption, and procurement of artificial intelligence technologies for use in operational and mission support activities.

(3) Coordination.—In developing the plan required by paragraph (2), the Commandant shall coordinate and engage with defense and private industries, research universities, and unaffiliated, nonprofit research institutions.

(4) Submission.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit the plan to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report on—

(1) the findings of the Commandant with respect to such request and any action taken or proposed to be taken by the Commandant, and the resources necessary to address such findings;

(2) the performance objectives and accompanying metrics established under subsections (a)(3) and (b)(1)(B); and

(3) any recommendation with respect to proposals for legislative change necessary to substantially implement artificial intelligence applications within the Coast Guard.

SEC. 5235. CYBER DATA MANAGEMENT.

(a) In General.—The Commandant and the Director of the Cybersecurity and Infrastructure Security Agency shall—

(1) develop policies, processes, and operating procedures governing—
(A) access to and the ingestion, structure, storage, and analysis of information and data relevant to the Coast Guard Cyber Mission, including—
(i) intelligence data relevant to Coast Guard missions;
(ii) internet traffic, topology, and activity data relevant to such missions; and
(iii) cyber threat information relevant to such missions; and
(B) data management and analytic platforms relating to such missions; and
(2) evaluate data management platforms referred to in paragraph (1)(B) to ensure that such platforms operate consistently with the Coast Guard Data Strategy.
(b) After the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives a report that includes—
(1) an assessment of the progress on the activities required by subsection (a); and
(2) any recommendation with respect to funding or additional authorities necessary, including proposals for legislative change, to improve Coast Guard cyber data management.

SEC. 5236. DATA MANAGEMENT.
The Commandant shall develop data workloads for the leveraging of mission-relevant data by the Coast Guard to enhance operational effectiveness and efficiency.

SEC. 5237. STUDY ON CYBER THREATS TO THE UNITED STATES MARINE TRANSPORTATION SYSTEM.
(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study on cyber threats to the United States marine transportation system.
(b) ELEMENTS.—The study required by paragraph (1) shall assess the following:
(1) The extent to which the Coast Guard, in collaboration with other Federal agencies, sets standards for the cybersecurity of facilities and vessels regulated under parts 101, 103, 104, 122, and 124 of the Code of Federal Regulations, as in effect on the date of the enactment of this Act.
(2) The manner in which the Coast Guard enforces these standards are followed by port, vessel, and facility operators and owners.
(3) The extent to which maritime sector-specific planning addresses cybersecurity, particularly for vessels and offshore platforms.
(4) The manner in which the Coast Guard, other Federal agencies, and vessel and offshore platform operators exchange information regarding cyber risks.
(5) The extent to which the Coast Guard is developing and deploying cybersecurity specialists in port and vessel systems and collaborating with the private sector to increase the expertise of the Coast Guard with respect to cyber security.
(6) The cyber resource and workforce needs of the Coast Guard necessary to meet future mission demands.
(c) REPORT.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller General shall submit a report on the findings of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.
(d) DEFINITION OF FACILITY.—In this section the term ‘facility’ has the meaning given the term in section 70101 of title 46, United States Code.

Subtitle E—Aviation

SEC. 5241. SPACE-AVAILABLE TRAVEL ON COAST GUARD AIRCRAFT: PROGRAM AUTHORIZATION AND ELIGIBLE RECIPIENTS.
(a) IN GENERAL.—Subchapter I of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

§509. Space-available travel on Coast Guard aircraft

(a)(1) The Coast Guard may establish a program to provide transportation on Coast Guard aircraft to facilities, as described in subsection (c), to individuals in the categories of eligible individuals described in subsection (c) (in this section referred to as ‘the program’).

(2) Not later than 1 year after the date on which the program is established, the Commandant shall develop a policy for its operation.

(2)(B) The Commandant shall operate the program in a budget-neutral manner.

(2)(A) Except as provided in subparagraph (B), no additional funds may be used, or flight hours performed, for the purpose of providing transportation under the program.

(3) The Commandant may make adjustments in expenditures required for the administrative aspects of the program.

(3) Eligible individuals described in subsection (c) shall not be required to reimburse the Coast Guard for travel provided under this section.

(4) Subject to subsection (d), the categories of eligible individuals described in this subsection are the following:

(1) Members of the armed forces on active duty.

(2) Members of the Selected Reserve who hold a valid Uniformed Services Identification and Privilege Card.

(3) Retired members of a regular or reserve component of the armed forces, including retired members of reserve components who, but for being under the eligibility age applicable under section 12731 of title 10, would be eligible for retired pay under chapter 55 of title 10.

(4) Subject to subsection (f), veterans with a permanent service-connected disability rated as total.

(5) Such categories of dependents of individuals described in paragraphs (1) through (4) and of an armed force to accommodate passengers, including individuals described in subsection (c)(3) who—

(a) are traveling at the request of the Commandant, or

(b) are traveling at the direction of the Commandant, considers appropriate.

(d) In operating the program, the Commandant shall—

(1) In the sole discretion of the Commandant, establish an order of priority for transportation for categories of eligible individuals that is based on considerations of military necessity, humanitarian concerns, and enhancement of morale;

(2) give priority in consideration of transportation to the demands of members of the armed forces in the regular components and in the reserve components on active duty and to the need to provide such members, and their dependents, a means of respite from such service;

(3) implement policies aimed at ensuring cost control (as required by subsection (b)) and the safety, security, and efficient processing of transportation under the program to 1 or more categories of otherwise eligible individuals, as the Commandant considers necessary.

(e) In establishing space-available transportation priorities under the program, the Commandant shall provide transportation for an individual described in paragraph (2), and a single dependent of the individual if needed to accompany the individual, at a priority level in the eligibility age applicable under section 12731 of title 10 for a dependent of a retired member of a regular or reserve component of an armed force to accommodate passengers, including individuals described in subsection (c)(3) who—

(1) resides in or is located in a Commonwealth or possession of the United States; and

(2) is referred by a military or civilian primary care provider located in that Commonwealth or possession to the Coast Guard for travel provided under the program.

(f) The priority for space-available transportation required by this subsection applies with respect to—

(A) the travel from the Commonwealth or possession of the United States to receive specialty care services; and

(B) the return travel.

(g) In this subsection, the terms ‘primary care provider’ and ‘specialty care provider’ refer to a medical or dental professional who provides health care services under chapter 55 of title 10.

(h) Travel may not be provided under this section to a veteran eligible for travel pursuant to section (4) of subsection (c) in priority over any member eligible for travel under paragraph (1) of that subsection or any dependent of such a member eligible for travel under this section.

(i) Subsection (c)(4) may not be construed as—

(A) affecting or in any way imposing on the Coast Guard, any armed force, or any commercial entity with which the Coast Guard or an armed force contracts, an obligation or expectation that the Coast Guard or such armed force will retrofit or alter, in any way, military aircraft or commercial aircraft or any related equipment or facilities, used or leased by the Coast Guard or such armed force to accommodate passengers provided travel under such authority on account of disability; or

(B) preempting the authority of an aircraft commander to determine who boards the aircraft and any other matter in connection with the safe operation of the aircraft.

(g) The authority to provide transportation under the program is in addition to and not in derogation of any other authority the Coast Guard may exercise with respect to space-available transportation on Coast Guard aircraft on a space-available basis.’’.

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

‘‘509. Space-available travel on Coast Guard aircraft.’’

SEC. 5242. REPORT ON COAST GUARD AIR STATION BARRIERS POINT HANGAR.
(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report containing—

(B) the current condition of the hangar; and

(c) the extent of the current and projected operational needs of the Coast Guard Air Station.

(C) the condition in which the hangar may be expected to be in 10 years under current budgetary and policy assumptions.

(d) The report shall include an assessment of the feasibility of a barrier or barrier system to be required under section 3024 of title 10, United States Code, to be set up or other measures to be taken by the Coast Guard, at the Coast Guard Air Station, to protect the hangar from potential flooding from rising seawater.”
Representatives a report on facilities required for constructing a hangar at Coast Guard Air Station Barbers Point at Oahu, Hawaii.

(2) GENERAL.—The report required by subsection (a) shall include the following:

(I) a description of the $65,000,000 phase one design of the hangar at Coast Guard Air Station Barbers Point funded by the Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 1332).

(II) an evaluation of the full facilities requirements for such hangar to house, maintain, and operate the MH–65 and HC–130J, including—

(A) storage and provision of fuel; and

(B) maintenance and parts storage facilities.

(3) A description of facilities growth requirements for potential future basing of the MH–60 with the C–130J at Coast Guard Air Station Barbers Point.

(4) A description of and cost estimate for each project phase for the construction of such hangar.

(5) A description of the plan for sheltering in the hangar during extreme weather events aircraft of the Coast Guard and other agencies, such as the National Oceanic and Atmospheric Administration.

(6) A description of the risks posed to operational safety at Coast Guard Air Station Barbers Point if future project phases for the construction of such hangar are not funded.

SEC. 5243. STUDY ON THE OPERATIONAL AVAILABILITY OF HANGAR FOR COAST GUARD AVIATION.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study on the operational availability of Coast Guard aircraft.

(b) ELEMENTS.—The study required by paragraph (1) shall include the following:

(A) An assessment of—

(i) the extent to which the fixed-wing and rotary-wing aircraft of the Coast Guard have met annual operational availability targets in recent years;

(ii) the extent to which the Coast Guard may face with respect to such aircraft meeting operational availability targets, and the factors that contribute to the Coast Guard’s ability to meet mission requirements; and

(iii) the status of Coast Guard efforts to upgrade or recapitalize its fleet of aircraft.

(B) An assessment of—

(i) the challenges the Coast Guard may face with respect to such aircraft meeting operational availability targets, and the factors that contribute to the Coast Guard’s ability to meet mission requirements; and

(ii) the status of Coast Guard efforts to upgrade or recapitalize its fleet of aircraft.

(C) The resource and workforce requirements necessary for Coast Guard Aviation to meet current and future mission demands specific to each rotary-wing and fixed-wing aircraft type in the current inventory of the Coast Guard.

(3) REPORT.—On completion of the study required by paragraph (1), the Comptroller General shall submit to the Commandant a report on the findings of the study.

(b) COAST GUARD AVIATION STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date on which the study under subsection (a) is completed, the Commandant shall develop a comprehensive strategy for Coast Guard Aviation that is informed by the relevant recommendations and findings of the study.

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

(A) a strategy with respect to aircraft of the Coast Guard—

(i) an analysis of—

(I) the current and future operations and future resource needs; and

(II) the manner in which such future needs are integrated with the Future Vertical Lift initiative and the Future Aircrew ecosystem; and

(ii) an estimated timeline with respect to when such future needs will arise.

(B) The project number of aviation assets, the logistics and maintenance of such assets are to be stationed, the cost of operation and maintenance of such assets, and an assessment of the capabilities of such assets as compared to the missions they are expected to execute, at the completion of major procurement and modernization plans.

(C) A procurement plan, including an estimated timetable and the estimated appropriations necessary for all platforms, including unmanned aircraft.

(D) A training plan for pilots and aircrew that addresses—

(i) the use of simulators owned and operated by the Coast Guard, and simulators that are not owned or operated by the Coast Guard, including any such simulators based outside the United States; and

(ii) the costs associated with attending training courses.

(E) Current and future requirements for cutter and land-based deployment of aviation assets globally, including in the Arctic, the Eastern Pacific, the Western Pacific, the Caribbean, the Mediterranean Sea, and any other area the Commandant considers appropriate.

(F) A description of the feasibility of deploying, and the resource requirements necessary to deploy assets on-board all future Arctic patrol cutters.

(G) An evaluation of current and future facility needs for Coast Guard aviation units.

(H) An evaluation and aircrew training and retention needs, including aviation career incentive pay, retention bonuses, and any other workforce tools the Commandant considers necessary.

(2) BRIEFING.—Not later than 180 days after the date on which the strategy required by paragraph (1) is completed, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the number of Coast Guard officers who are serving at other Federal agencies on a reimbursable basis, and the number of Coast Guard officers who are serving at other Federal agencies on a non-reimbursable basis, which the President submits to Congress a budget pursuant to section 1105(a) of title 31, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the number of Coast Guard officers who are serving at other Federal agencies on a reimbursable basis, and the number of Coast Guard officers who are serving at other Federal agencies on a non-reimbursable basis.

Subtitle F—Workforce Readiness

SEC. 5251. AUTHORIZED STRENGTH.

Section 3702 of title 14, United States Code, is amended by adding at the end the following:

"(3) NOTIFICATION.—If the Commandant increases pursuant to paragraph (2) the total number of commissioned officers permitted under paragraph (1) of this section, the Commandant shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the number of officers on the active duty promotion list on the last day of the preceding 30–day period—

(1) not later than 30 days after such increase; and

(2) every 30 days thereafter until the total number of commissioned officers no longer exceeds the total number of commissioned officers permitted under paragraph (1)."

(b) OFFICERS NOT ON ACTIVE DUTY PROMOTION LIST.—

(1) IN GENERAL.—Chapter 51 of title 14, United States Code, is amended by adding at the end the following:

"§5113. Officers not on active duty promotion list.

"Not later than 60 days after the date on which the President submits to Congress a budget pursuant to section 1105(a) of title 31, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the number of Coast Guard officers who are serving at other Federal agencies on a reimbursable basis, and the number of Coast Guard officers who are serving at other Federal agencies on a non-reimbursable basis, which the President submits to Congress a budget pursuant to section 1105(a) of title 31, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the number of Coast Guard officers who are serving at other Federal agencies on a reimbursable basis, and the number of Coast Guard officers who are serving at other Federal agencies on a non-reimbursable basis.

(2) CRITICAL SKILL, SPECIALTY, OR CAREER FIELD.—The Commandant shall designate 1 or more critical skills, specialties, or career fields for purposes of subsection (a).

(3) DURATION OF CONTINUATION.—An officer who is on active duty at the time of the submission of the report required under section 1105 of title 31 and who is in a critical skill, specialty, or career field designated pursuant to subsection (b) shall continue to be retained in such a critical skill, specialty, or career field for purposes of subsection (a).

(4) POLICY.—The Commandant shall carry out this section by prescribing policy that specifies the criteria to be used in designating a critical skill, specialty, or career field for purposes of subsection (b).

(b) CLERICAL AMENDMENT.—The analysis for chapter 51 of title 14, United States Code, is amended by adding at the end the following:

"§5113. Officers not on active duty promotion list."
SEC. 5254. CAREER INCENTIVE PAY FOR MARINE INSPECTORS.

(a) Authority To Provide Assignment Pay or Special Duty Pay.—The Secretary of the department in which the Coast Guard is operating may provide assignment pay or special duty pay under section 322 of title 14, United States Code, to a Commissioned Officer of the Coast Guard serving in a prevention position and assigned as a marine inspector or marine investigator pursuant to section 312 of title 14, United States Code.

(b) Annual Briefing.—(1) In general.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of the department in which the Coast Guard is operating shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on any uses of the authority under subsection (a) during the preceding year.

(2) Elements.—Each briefing required by paragraph (1) shall include the following:

(A) The number of members of the Coast Guard serving as marine inspectors or marine investigators pursuant to section 312 of title 14, United States Code, who are receiving assignment pay or special duty pay under section 322 of title 14, United States Code.

(B) An assessment of the impact of the use of the authority under this section on the effectiveness and efficiency of the Coast Guard in administering the laws and regulations for the promotion of safety of life and property on and near the high seas and waters subject to the jurisdiction of the United States.

(C) An assessment of the effects of assignment pay and special duty pay on retention of members of the Coast Guard serving as marine inspectors and marine investigators.

(D) If the authority provided in subsection (a) is not exercised, a detailed justification for not exercising such authority, including an explanation of the efforts the Secretary of the department in which the Coast Guard is operating is taking to ensure that the Coast Guard workforce contains an adequate number of qualified marine inspectors.

(c) Study.—(1) In general.—Not later than 2 years after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in coordination with the Director of the National Institute for Occupational Safety and Health, shall conduct a study on the health of marine inspectors and marine investigators who have served in such positions for a period of not less than 10 years.

(2) Elements.—The study required by paragraph (1) shall include the following:

(A) An evaluation of—

(i) the daily vessel inspection duties of marine inspectors and marine investigators, including the examination of internal cargo tanks and voids and new construction activities;

(ii) major incidents to which marine inspectors and marine investigators have had to respond, and any other significant incident, to a member of the Coast Guard serving as a marine inspector or marine investigator.

(B) A review and analysis of the current Coast Guard health and safety monitoring systems, including any recommendations for improving such systems, specifically with respect to the exposure of members of the Coast Guard to hazardous substances while carrying out inspections and investigation duties.

(C) Any other element the Secretary of the department in which the Coast Guard is operating determines relevant to the purposes of this section.

(3) Report.—On completion of the study required by paragraph (1), the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the findings of the study and recommendations for actions the Commandant should take to improve the health and exposure of marine inspectors and marine investigators.

(d) Termination.—The authority provided by subsection (a) shall terminate on December 31, 2027, unless the study required by subsection (c) is completed and submitted as required by that subsection.

SEC. 5255. EXPANSION OF THE ABILITY FOR SELECTION BOARD TO RECOMMEND REIMBURSEMENT OF LOANS UNDER THE OFFICERS OF PARTICULAR MERIT ACT.

Section 2116(c)(1) of title 14, United States Code, is amended, in the second sentence, by inserting "three times" after "may not exceed".

SEC. 5256. MODIFICATION TO EDUCATION LOAN REIMBURSEMENT PROGRAM.

(a) In General.—Section 2772 of title 14, United States Code, as amended, is amended, in the second sentence, by inserting "three times" after "may not exceed".

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Commandant, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study and recommendations for actions the Secretary should take to correct the following:

(1) The processing time for each action described in paragraph (1) of that section exceeded 30 days.

(2) In subsection (c), by striking "or Vice Commandant" and inserting in lieu thereof "or Vice Admiral".

(c) If a portion of a loan is repaid under this section, the Secretary may repay three times the amount of any loan repayment due to a member under a written agreement that existed at the time of the member's death or disability.

SEC. 5257. RETIREMENT OF VICE COMMANDANT.

Section 303 of title 14, United States Code, as amended, is amended—

(1) by amending subsection (a)(2) to read as follows:

"(2) A Vice Commandant who is retired while serving as Vice Commandant, after serving not less than 2 years as Vice Commandant, shall be retired with the grade of admiral, except as provided in section 306(d),"; and

(2) in subsection (c), by striking "or Vice Commandant" and inserting in lieu thereof "or Vice Admiral".

SEC. 5258. REPORT ON RESIGNATION AND RETIREMENT PROCESSING TIMES AND DENIAL.

(a) In General.—Not later than 30 days after the date of the enactment of this Act, and annually thereafter, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a report that evaluates resignation and retirement processing timelines.

(b) Elements.—The report required by subsection (a) shall include the following for the preceding calendar year:

(1) statistics on the number of resignations, retirements, and other separations that occurred;

(2) the processing time for each action described in paragraph (1); and

(3) the percentage of requests for such actions that had a command endorsement;

(4) the percentage of requests for such actions that did not have a command endorsement; and

(5) for each denial of a request for a command endorsement and each failure to take action on such a request, a description of the rationale for such denial or failure to take such action.

(Signed)

Spencer
SEC. 5250. PHYSICAL DISABILITY EVALUATION SYSTEM PROCEDURE REVIEW.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study on the Coast Guard Physical Disability Evaluation System and medical retirement procedures.

(2) ELEMENTS.—The study required by paragraph (1) shall review, and provide recommendations for addressing, the following:

(A) Coast Guard compliance with all applicable laws, regulations, and policies relating to the Physical Disability Evaluation System and medical retirement procedures.

(B) Coast Guard compliance with timelines set forth in:

(i) the instruction of the Commandant entitled ‘Physical Disability Evaluation System’ issued on May 19, 2006 (COMDTINST M1850.2D); and

(ii) the Physical Disability Evaluation System Transparency Initiative (ALCGPSC 030/20).

(C) An evaluation of Coast Guard processes in place to ensure the availability, consistency, and confidentiality of counsel appointed by the Coast Guard Office of the Judge Advocate General to represent members of the Coast Guard undergoing an evaluation under the Physical Disability Evaluation System.

(D) The extent to which the Coast Guard has and uses processes to ensure that such counsel may perform their functions in a manner that is impartial, including being able to perform their functions without undue pressure or interference by the command of the affected member of the Coast Guard, the Personnel Service Center, and the United States Coast Guard Office of the Judge Advocate General.

(E) The frequency with which members of the Coast Guard have private counsel in lieu of counsel appointed by the Coast Guard Office of the Judge Advocate General, and the frequency of such doing at each member pay grade.

(F) The timeliness of determinations, guidance, and access to medical evaluations necessary for retirement or rating determinations and overall well-being of the affected member of the Coast Guard.

(G) The guidance, formal or otherwise, provided by the Personnel Service Center, the Coast Guard Office of the Judge Advocate General, other than the counsel directly representing affected members of the Coast Guard, in communication with medical personnel regarding such members.

(H) The guidance, formal or otherwise, provided by the medical professionals reviewing cases within the Physical Disability Evaluation System to affected members of the Coast Guard, and the extent to which such guidance is disclosed to the commanders, commanding officers, or other members of the Coast Guard in the chain of command of such affected members.

(I) The feasibility of establishing a program to allow members of the Coast Guard to select an expedited review to ensure completion of the Medical Evaluation Board report not later than 180 days after the date on which such review was initiated.

(b) REPORT.—The Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and to the appropriate committees of Congress, a report on a study conducted under subsection (a) and recommendations for improving the physical disability evaluation system process.

(c) UPDATED POLICY GUIDANCE.—

Not later than 180 days after the date on which the report under subsection (b) is submitted, the Commandant shall issue updated policy guidance in response to the findings and recommendations contained in the report.

SEC. 5251. EXPANSION OF AUTHORITY FOR MULTIRATER ASSESSMENTS OF CERTAIN PERSONNEL.

(a) IN GENERAL.—

(1) The Secretary of the Treasury, or the Director of the Office of Management and Budget, may, with the concurrence of the Secretary of Labor, and with the concurrence of the appropriate committees of Congress, conduct an assessment of the costs associated with implementing the amendment made by this section.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriating committees of Congress’ means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Appropriations of the House of Representatives.

(b) COST ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to the appropriate committees of Congress an estimate of the costs associated with implementing the amendment made by this section.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriating committees of Congress’ means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(c) INFORMATION CONSIDERED.—In reviewing the recommendation for promotion of any person for promotion, the Secretary shall consider the following:

(1) The record and information concerning the person furnished in accordance with section 2115(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 1561 note), shall be furnished to the promotion board in accordance with standards and procedures set out in the regulations prescribed by the Secretary.


(d) EXPANSION OF AUTHORITY FOR MULTIRATER ASSESSMENTS OF CERTAIN PERSONNEL.—

(1) IN GENERAL.—Following the assessment of an individual pursuant to paragraph (1) that the individual shall be provided appropriate post-assessment counseling and leadership coaching.

(2) AVAILABLE OF RESULTS.—The supervisor of the individual assessed shall be provided with the results of the multi-rater assessment.

SEC. 5252. PHYSICAL DISABILITY EVALUATION SYSTEM PROCEDURE REVIEW.

(a) INFORMATION TO BE FURNISHED.—

(1) MEMBERS.—In this section, the term ‘members’ means—

(A) the Commandant; and

(B) the Committee on Commerce, Science, and Transportation of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) CHANGES.—The provisions of this section shall be applied as of June 18, 2006.
(1)(B) shall be governed by the standards and procedures referred to in section 2115 of this title.

(3)(A) Before information on a person described in paragraph (1)(B) is furnished to a special selection review board for purposes of this section, the Secretary shall ensure that—

(i) such information is made available to the person; and

(ii) subject to subparagraphs (C) and (D), the person is afforded a reasonable opportunity to inspect the information referred to in the special selection review board before its review of the person and the recommendation for promotion of the person under this section.

(B) If information on a person described in paragraph (1)(B) is not made available to the person in the manner otherwise required by subparagraph (A)(i) due to the classification status of such information, the person shall, to the maximum extent practicable, be furnished a summary of such information appropriate to the person’s authorization for access to classified information.

(C)(i) An opportunity to submit comments with respect to the information referred to in paragraph (1)(B) shall be furnished to a special selection review board convened under section 2106 of this title.

(ii) The comments on information of a person described in clause (i) shall be made available to the person in connection with the furnishing of notification under this section.

(D) A person may waive either or both of the following:

(i) the right to submit comments to a special selection review board convened under subparagraph (A)(ii); and

(ii) the furnishing of comments to a special selection review board convened under subparagraph (A)(ii).

(4) Consideration.—(1) In considering the record and information on a person under this section, the special selection review board shall compare such record and information with an appropriate sampling of the records of those officers who were recommended for promotion by the special selection review board that recommended the promotion of the person subject to review under this section; and

(2) The board shall afford the person a reasonable opportunity to submit comments on such information to that promotion board.

(5) The comments on information of a person described in clause (i) shall be made available to the person in connection with the furnishing of notification under section 2106 of this title.

(6) The board shall afford the person the opportunity to submit comments to a special selection review board convened under section 2106 of this title. The board shall then be afforded a reasonable opportunity to review such comments, the record and information of each person whose name was referred to it.

(2) The provisions of section 2117(a) of this title apply to the report and proceedings of a special selection review board convened under section 2106 of this title.

(7) The special selection review board convened under section 2106 of this title issues recommendations with respect to the officer.

(8) Unless the Secretary determines that a further delay is necessary in the public interest, a promotion may not be delayed under this subsection for more than one year after the date the officer would otherwise have been promoted.

(3) An officer whose promotion is delayed under this subsection and who is subsequently promoted under section 2120a of this title issues recommendations with respect to the officer that he would have held had his promotion not been delayed.

SEC. 5262. PARTNERSHIP PROGRAM TO DIVERSIFY THE COAST GUARD.

(a) Establishment.—The Commandant shall establish a program for the purpose of promoting the number of underrepresented minorities in the enlisted ranks of the Coast Guard.

(b) Partnerships.—In carrying out the program established under subsection (a), the Commandant shall—

(1) seek to enter into 1 or more partnerships with eligible entities—

(A) to increase the visibility of Coast Guard careers;

(B) to promote curriculum development—

(i) to enable acceptance into the Coast Guard; and

(ii) to improve success on relevant exams, such as the Armed Services Vocational AptitudeBattery; and

(C) to provide mentoring for students entering and beginning Coast Guard careers; and

(2) enter into a partnership with an existing Junior Reserve Officers’ Training Corps for the purpose of promoting Coast Guard careers.

(c) Eligible Institution Defined.—In this section, the term “eligible institution” means—

(1) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001));

(2) an institution that is a Hispanic-serving institution (as defined in section 327(b) of the Higher Education Act of 1965 (20 U.S.C. 1061));

(3) a Tribal College or University (as defined in section 316(b) of that Act (20 U.S.C. 1074));

(4) an Alaska Native-serving institution (as defined in section 502 of that Act (20 U.S.C. 1059c(b)));

(5) a Native Hawaiian-serving institution (as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061));

(6) an American Indian-serving institution (as defined in section 317(b) of that Act (20 U.S.C. 1071q));

(7) a Predominantly Black institution (as defined in section 371(c) of that Act (20 U.S.C. 1071q));
SEC. 5263. EXPANSION OF COAST GUARD JUNIOR RESERVE OFFICERS’ TRAINING CORPS.

(a) In General.—Section 320 of title 14, United States Code, is amended—

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

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

‘‘(h) On or before December 1, 2025, the Secretary of the department in which the Coast Guard is operating shall maintain at all times a Junior Reserve Officers’ Training Corps program with not fewer than 1 such program established in each Coast Guard district.’’;

(b) Cost Assessment.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide to Congress an estimate of the costs associated with implementing the amendments made by this section.

SEC. 5264. IMPROVING REPRESENTATION OF WOMEN AND RACIAL AND ETHNIC MINORITIES AMONG U.S. COAST GUARD RESERVE OFFICERS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, in consultation with the Advisory Board on Women at the Coast Guard Academy established under section 1904 of title 14, United States Code, and the minority outreach team program established by section 1905 of such title, the Commandant shall—

(1) determine which recommendations in the RAND representation report may practicably be implemented to promote improved representation in the Coast Guard of—

(A) women; and

(B) racial and ethnic minorities; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the strategy developed under subsection (a).’’;

SEC. 5265. SUPPORT FOR COAST GUARD ACADEMY.

(a) In General.—Subchapter II of chapter 9 of title 14, United States Code, is amended by adding at the end the following:

‘‘§ 953. Support for Coast Guard Academy

‘‘(a) Authority.—

‘‘(1) CONSTRUCTION AND COOPERATIVE AGREEMENTS.—(A) The Commandant may enter contract and cooperative agreements with 1 or more qualified organizations for the purpose of supporting athletic programs of the Coast Guard Academy.

‘‘(B) Notwithstanding section 320(c) of title 10, the Commandant may enter into such contracts and cooperative agreements on a sole source basis pursuant to section 320(h) of title 10.

‘‘(C) Notwithstanding chapter 63 of title 31, the Commandant may accept funds from the National Collegiate Athletic Association to further the mission of the Coast Guard Academy.

‘‘(2) Financial Controls.—(A) Before entering into a contract or cooperative agreement under paragraph (1), the Commandant shall ensure that the contract or agreement includes appropriate financial controls to account for the resources of the Coast Guard Academy and the qualified organization concerned in accordance with accepted accounting principles.

‘‘(B) Any such contract or cooperative agreement shall contain a provision that allows the Commandant to audit and ensure that contributions under this section, or contributions under chapter 31 of title 10, are used for the direct benefit or use of the Coast Guard Academy.

‘‘(3) Support Services Defined.—In this section, the term ‘support services’ includes utilities, office furnishings and equipment, communications services, records management services, financial services, security services, and any other financial services.

‘‘(4) Acceptance of Support From Qualified Organization.—

‘‘(1) In General.—Notwithstanding section 1942 of title 10, the Commandant may accept funds from the National Collegiate Athletic Association to support the athletic programs of the Coast Guard Academy.

‘‘(2) Employees of Qualified Organiza- tion.—For purposes of this section, employees or personnel of the qualified organization may not be considered to be employees of the United States.

‘‘(5) Funds Received from NCAA.—The Commandant may accept funds from the National Collegiate Athletic Association to support the athletic programs of the Coast Guard Academy.

‘‘(6) Limitation.—The Commandant shall ensure that contributions under this subsection and expenditure of funds pursuant to subsection (f) (A) do not reflect unfavorably on the ability of the Coast Guard, any employee of the Coast Guard, or any member of the armed forces (as defined in section 101(a)(6) of title 10) to carry out any responsibility or duty in a fair and objective manner; or

(B) compromise the integrity or appearance of integrity of any program of the Coast Guard, or any individual involved in such a program.

‘‘(7) Trademarks and Service Marks.—(A) Licensing, Marketing, and Sponsorship Agreements.—An agreement under subsection (a) may, consistent with section 3260 of title 10 (other than subsection (d) of such section), authorize a qualified organization to enter into licensing, marketing, and sponsorship agreements related to trademarks and service marks identifying the Coast Guard Academy, subject to the approval of the Commandant.

‘‘(8) Limitations.—A licensing, marketing, or sponsorship agreement may not be entered into under paragraph (7)(A) if such an agreement—

(A) would reflect unfavorably on the ability of the Coast Guard, any employee of the Coast Guard, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner; or

(B) would compromise the integrity or appearance of integrity of any program of the Coast Guard, or any individual involved in such a program.

‘‘(9) Retention and Use of Funds.—Funds received by the Commandant under this section may be retained for use to support the Coast Guard Academy and shall remain available until expended.’’
“(g) SERVICE ON QUALIFIED ORGANIZATION BOARD OF DIRECTORS.—A qualified organization is a designated entity for which authorization under sections 103(a) and 156(b) of title 15, United States Code, is issued to serve as an advisor to the Commandant.

“(h) CONDITIONS.—The authority provided in this section with respect to a qualified organization is available only so long as the qualified organization continues.

“(1) to qualify as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986 and operates in accordance with the laws of the State of Connecticut, and the constitution and by-laws of the qualified organization; and

“(2) to operate exclusively to support the athletic programs of the Coast Guard Academy.

“(i) QUALIFIED ORGANIZATION DEFINED.—In this section, the term ‘qualified organization’ means an organization—

“(1) described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986 and exempt from taxation under subsection (a) of that section; and

“(2) established by the Coast Guard Academy Alumni Association solely for the purpose of supporting athletic programs.

“§ 954. Mixed-funded athletic and recreational extracurricular programs: authority to manage appropriated funds in same manner as nonappropriated funds

“(a) in the case of a Coast Guard Academy mixed-funded athletic or recreational extracurricular program, the Commandant may designate funds appropriated to the Coast Guard and available for that program to be treated as nonappropriated funds and expended for that program in accordance with laws applicable to the expenditure of nonappropriated funds. Appropriated funds so designated shall be considered to be nonappropriated funds for all purposes and shall remain available until expended.

“(b) COVERED PROGRAMS.—In this section, the term ‘Coast Guard Academy mixed-funded athletic or recreational extracurricular program’ means an athletic or recreational extracurricular program of the Coast Guard Academy to which each of the following applies:

“(1) The program is not a morale, welfare, or recreation program.

“(2) The program is supported through appropriated funds.

“(3) The program is supported by a nonappropriated fund instrumentality.

“(4) The program is not a private organization and is not operated by a private organization.

“(b) CLERICAL AMENDMENT.—The analysis for subsection II of chapter 9 of title 14, United States Code, is amended by adding at the end the following:

“953. Support for Coast Guard Academy.

“964. Mixed-funded athletic and recreational extracurricular programs.

“SEC. 5276. TRAINING FOR COAST GUARD PERSONNEL

“(a) IN GENERAL.—Section 315 of title 14, United States Code, is amended by adding to the end the following:

“§ 315. Training for congressional affairs personnel.

“(a) IN GENERAL.—The Commandant shall conduct a study to assess whether current weapons training required for Coast Guard law enforcement and other relevant personnel is sufficient.

“(b) ELEMENTS.—The study required by subsection (a) shall—

“(1) assess whether there is a need to improve weapons training for Coast Guard law enforcement and other relevant personnel; and

“(2) identify—

“(A) the frequency of such training most likely to ensure adequate weapons training, proficiency, and safety among such personnel;

“(B) Coast Guard law enforcement and other applicable personnel who should be eligible to receive such improved training; and

“(C) any challenge posed by a transition to improving such training and offering such training to the personnel necessary to address such a challenge.

“(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa-

“SEC. 5277. STUDY ON FREQUENCY OF WEAPONS TRAINING FOR COAST GUARD PERSONNEL

“(a) IN GENERAL.—The Commandant shall conduct a study to assess whether current weapons training required for Coast Guard law enforcement and other relevant personnel is sufficient.

“(b) ELEMENTS.—The study required by subsection (a) shall—

“(1) assess whether there is a need to improve weapons training for Coast Guard law enforcement and other relevant personnel; and

“(2) identify—

“(A) the frequency of such training most likely to ensure adequate weapons training, proficiency, and safety among such personnel;

“(B) Coast Guard law enforcement and other applicable personnel who should be eligible to receive such improved training; and

“(C) any challenge posed by a transition to improving such training and offering such training to the personnel necessary to address such a challenge.

“(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa-


“SEC. 5281. BUDGETING OF COAST GUARD RELATING TO CONGRESSIONAL AFFAIRS AND THE CONGRESSIONAL AFFAIRS PERSONNEL

“(a) IN GENERAL.—Chapter 31 of title 14, United States Code, as amended by section
SEC. 5282. COAST GUARD ASSISTANCE TO UNITED STATES SECRET SERVICE.

Section 5 of the Presidential Protection Assistance Act of 1978 (18 U.S.C. 3096) is amended—

(1) by striking “Executive departments” and inserting the following:

“(a) As provided in subsection (b), Executive departments’;

(b) by striking “Director, except that the Department of Defense and the Coast Guard shall provide such assistance and” and inserting the following:—

“Director, except as provided in subsection (b), Executive departments’; and

(c) by adding at the end the following:

“(c) Expenses of performing and executing defense readiness missions or other activities unrelated to Coast Guard missions.”

SEC. 5283. CONVEYANCE OF COAST GUARD VESSELS FOR PUBLIC PURPOSES.

(a) TRANSFER.—Section 914 of the Coast Guard Authorization Act of 2010 (10 U.S.C. 301 note; Public Law 111–281) is—

(1) transferred to subchapter 1 of chapter 30 of title 14, United States Code; and

(2) redesignated as section 510 of such title, to the Marine Environmental Sciences Consortium, a unit of the government, for use by the Food and Drug Administration.

(b) CONVEYANCE OF COAST GUARD VESSELS FOR PUBLIC PURPOSES.—Section 510 of title 14, United States Code, as transferred and redesignated by subsection (a), is amended by adding at the end the following:

“(a) IN GENERAL.—On request by the Commandant, the Secretary of Commerce shall transfer, as described in this subsection, to be identified by agreement between the Commandant and the Secretary, to the Marine Environmental Sciences Consortium, a parcel of real property at Dauphin Island, Alabama, located on Cole Street, and consisting of a total of approximately 35.63 acres.

“(b) TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—The Commandant shall transfer, as described in subsection (a), to the Secretary, for use by the Secretary, to carry out the transfer and conveyance required by this section, costs for environmental documentation related to the transfer and conveyance, and any other necessary administrative costs related to the transfer and conveyance.

“(c) FUNDING AND COSTS OF TRANSFER AND CONVEYANCE.—

(1) PAYMENTS.—

(A) IN GENERAL.—The Secretary shall pay costs incurred by the Commandant, or reimburse the Commandant for such costs incurred by the Commandant, to carry out the transfer and conveyance required by this section, amounts that are made available to the Secretary under such section and not obligated on the date of enactment of this Act shall be available to the Secretary for the purpose described in this subsection.

(B) FUNDING.—Notwithstanding section 780 of division B of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), any amounts that are made available to the Secretary under such section and not obligated on the date of enactment of this Act shall be available to the Secretary for the purpose described in this subsection.

(2) TREATMENT OF AMOUNTS RECEIVED.—

Amounts received by the Commandant as reimbursement under paragraph (1) shall be transferred to the Coast Guard Fund established under section 2946 of title 14, United States Code, or the account that was used to pay the costs incurred by the Coast Guard in carrying out the transfer and conveyance under this section, as determined by the Commandant, and shall be made available until expended. Any amounts credited or transferred shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account and shall be available for the same purposes.

SEC. 5286. TRANSPARENCY AND OVERSIGHT.

(a) NOTIFICATION.—

(1) IN GENERAL.—Subject to subsection (b), the Secretary of Commerce shall notify the appropriate committees of Congress of the Coast Guard Fund established under section 2946 of title 14, United States Code, or the account that was used to pay the costs incurred by the Coast Guard in carrying out the transfer and conveyance under this section when the Commandant estimates that the Coast Guard Fund will be obligated or be used for costs incurred by the Commandant, or reimbursed to the Commandant, for the transfer and conveyance under this section.

(2) PERIOD.—The notification required by paragraph (1) shall be made no later than 3 full business days before—

(1) the transfer and conveyance required by paragraph (1) is completed; or

(2) the Commandant estimates that the Coast Guard Fund will be obligated or be used for costs incurred by the Commandant, or reimbursed to the Commandant, for the transfer and conveyance under this section.
SEC. 5287. STUDY ON SAFETY INSPECTION PROGRAM.

(a) MAKING OR AWARDING A GRANT ALLOCATION OR GRANT IN EXCESS OF $1,000,000.—(1) In general.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall conduct a study that assesses the maritime law enforcement workload requirements of the Coast Guard.

(b) EXCEPTION.—If the Secretary of the department in which the Coast Guard is operating determines that compliance with subsection (a) would pose a substantial risk to human life, health, or safety, the Secretary—

(1) may make an award or issue a letter described in subsection (a) without the notification required under that subsection; and

(2) shall notify the appropriate committees of Congress not later than 5 full business days after such an award is made or letter issued.

(c) APPLICABILITY.—Subsection (a) shall not apply to funds that are not available for obligation.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

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

(2) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

SEC. 5288. STUDY ON MARITIME LAW ENFORCEMENT WORKLOAD REQUIREMENTS.

(a) STUDY.—

(1) In general.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall conduct a study that assesses the maritime law enforcement workload requirements of the Coast Guard.

(b) EXCEPTION.—If the Secretary of the department in which the Coast Guard is operating determines that compliance with subsection (a) would pose a substantial risk to human life, health, or safety, the Secretary—

(1) may make an award or issue a letter described in subsection (a) without the notification required under that subsection; and

(2) shall notify the appropriate committees of Congress not later than 5 full business days after such an award is made or letter issued.

(c) APPLICABILITY.—Subsection (a) shall not apply to funds that are not available for obligation.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

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

(2) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

SEC. 5289. MODIFICATION OF PROHIBITION ON OPERATION OR PROCUREMENT OF COVERED FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.


(1) by amending subsection (b) to read as follows:

‘‘(b) EXEMPTION.—The Commandant may exempt from the restriction under subsection (a) the operation or procurement for the purposes of—

‘‘(1) counter-UAS system surrogate testing and training; or

‘‘(2) intelligence, electronic warfare, and information warfare operations, testing, analysis, and training.’’;

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

‘‘(c) WAIVER.—The Commandant may waive the restriction under subsection (a) on a case-by-case basis by certifying in writing not later than 15 days after exercising such waiver to the Department of Homeland Security, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.’’;

(3) in subsection (d)—

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

‘‘(1) 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; and

‘‘(B) by redesigning paragraphs (2) and (3) as paragraphs (3) and (4), respectively;
(C) by inserting after paragraph (1) the following:

"(2) COVERED UNMANNED AIRCRAFT SYSTEM.—The term covered unmanned aircraft system means—

"(A) an unmanned aircraft system described in paragraph (1) of subsection (a); and

"(B) a system described in paragraph (2) of that subsection that is operated by civilian personnel of the Coast Guard, including video surveillance, seismic sensing, infrared detection, space-based remote sensing, and any other data or information necessary.

(d) IMPLEMENTATION.—The Commissioner of U.S. Customs and Border Protection and the Commandant shall jointly:

(1) assess and delineate the types and quality of data sharing needed to meet the respective operational missions of U.S. Customs and Border Protection and the Coast Guard, including video surveillance, seismic sensors, infrared detection, space-based remote sensing, and any other data or information necessary.

(2) develop appropriate requirements and processes for the credentialing of personnel of U.S. Customs and Border Protection and personnel of the Coast Guard to access and use the capability established under subsection (a); and

(3) establish a cost-sharing agreement for the long-term operation and maintenance of the capability and the assets that provide the long-term operation and maintenance of the capability and the assets that provide to data to the capability.

(e) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary, the Commandant, and the House Committee on Homeland Security shall submit to the appropriate committees of Congress a report on the establishment of the capability.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the Coast Guard, U.S. Customs and Border Protection, or any agency using personal information to acquire, share, or transfer personal information relating to an individual in violation of any Federal law, any treaty, or any State law.

SEC. 5292. PROCUREMENT OF TETHERED AEROSTAT RADAR SYSTEM FOR COAST GUARD STATION SOUTH PADRE ISLAND.

Subject to the availability of appropriations, the Secretary of the Interior, in cooperation with the Secretary of the Navy, shall, in appropriate areas of the southern coast of Texas, including the Long Island of Texas and the northeastern coast of Matagorda Island, install, maintain, and operate tethered aerostat radar systems, including aerial surveillance, for the enforcement of laws of the United States that require the use of radar systems.

SEC. 5293. ASSESSMENT OF IRAN SANCTIONS RELIEF ON COAST GUARD OPERATIONS UNDER THE JOINT COMPREHENSIVE PLAN OF ACTION.

Not later than 1 year after the date of the enactment of this Act, the Commandant, in consultation with the Director of the National Intelligence, the Secretaries of Defense and Treasury of the United States, and the Secretary of State, shall submit to the appropriate committees of Congress a report on whether the lifting of Iran sanctions relief, including the use of sanctions relief for Iranian forces or Iranian-linked groups across the Middle East, will impact Coast Guard personnel and operations in the Middle East.

SEC. 5294. REPORT ON SHIPYARDS OF FINLAND AND SWEDEN.

Not later than 2 years after the date of the enactment of this Act, the Commandant, in consultation with the Secretary of the Department of Homeland Security and the Secretary of the Treasury, shall submit to the appropriate committees of Congress a report on the establishment of the capability to replace covered unmanned aircraft systems.

SEC. 5295. PROHIBITION ON CONSTRUCTION CONTRACTS WITH ENTITIES ASSOCIATED WITH THE CHINESE COMMUNIST PARTY.

(a) IN GENERAL.—The Commandant may not award any contract for new construction until the date on which the Commandant provides to Congress a certification that the other party has not, during the 10-year period preceding the date of the declared date of award, directly or indirectly held an economic interest in an entity that is—

(1) owned or controlled by the People’s Republic of China; or

(2) part of the defense industry of the Chinese Communist Party.

(b) INAPPLICABILITY TO TAIWAN.—Subsection (a) shall not apply with respect to an economic interest in an entity owned or controlled by Taiwan.

SEC. 5296. REVIEW OF DRUG INTERDICATION EQUIPMENT AND STANDARDS; TESTING FOR FENTANYL DURING INTERDICATION OPERATIONS.

(a) REVIEW.—

(1) IN GENERAL.—The Commandant, in consultation with the Administrator of the Drug Enforcement Administration and the Secretary of Health and Human Services, shall—

(A) conduct a review of—

(i) the equipment, testing kits, and rescue medications used to conduct Coast Guard drug interdiction operations; and

(ii) the safety and training standards, policies, and procedures with respect to such operations; and

(B) determine whether the Coast Guard is using the latest equipment and technology and up-to-date training and standards for recognizing, handling, testing, and securing illegal drugs, fentanyl and other synthetic opioids, and precursor chemicals during such operations.

(b) REQUIREMENT.—If, as a result of the review required by subsection (a), the Commandant determines that the Coast Guard is not using the latest equipment and technology and up-to-date training and standards for recognizing, handling, testing, and securing illegal drugs, fentanyl and other synthetic opioids, and precursor chemicals during drug interdiction operations, the Commandant shall ensure that the Coast Guard acquires and uses such equipment and technology, carries out such training, and implements such standards.

(c) TESTING FOR FENTANYL.—The Commandant shall ensure that Coast Guard drug interdiction operations include the testing of substances encountered during such operations for fentanyl, as appropriate.

SEC. 5297. PUBLIC AVAILABILITY OF INFORMATION ON MONTHLY MIGRANT INTERDICATIONS.

Not later than the 5th day of each month, the Commandant shall make public on an internet website of the Coast Guard the number of migrant interdictions carried out by the Coast Guard during the preceding month.

APPENDIX A—Marine Mammals

SEC. 5301. DEFINITION OF SECRETARY.

Except as otherwise specifically provided, in this title, the term ‘‘Secretary’’ means the Secretary of the department in which the Coast Guard is operating.

SEC. 5311. DEFINITIONS.

(a) THROUGH PROVISION ON CONSTRUCTION CONTRACTS WITH ENTITIES ASSOCIATED WITH THE CHINESE COMMUNIST PARTY.

Title LIII—ENVIRONMENT

SEC. 5301. DEFINITION OF SECRETARY.

Except as otherwise specifically provided, in this title, the term ‘‘Secretary’’ means the Secretary of the Department of the Treasury.
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B) where North Atlantic right whales foraging aggregations have been well documented.

(3) Exclusive Economic Zone.—The term “exclusive economic zone” has the meaning given that term in section 107 of title 46, United States Code.

(4) Institution of Higher Education.—The term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 101(a)).

(5) Large Cetacean.—The term “large cetacean” means all endangered or threatened species within—

(A) the suborder Mysticeti; or

(B) the genera Balaenoptera; or

(C) the genera Orcinus.

(6) Near Real-Time.—The term “near real-time”, with respect to monitoring of whales, means that visual, acoustic, or other detections of whales are processed, transmitted, and reported as close to the time of detection as is technically feasible.

(7) Nonprofit Organization.—The term “nonprofit organization” means an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.

(8) Puget Sound Region.—The term “Puget Sound region” means the Vessel Traffic Service Puget Sound area described in section 101(h) of the Federal Waterways Rules and Regulations (as of the date of the enactment of this Act).

(9) Tribal Government.—The term “Tribal government” means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation identified (including parenthetically in the list) published most recently as of the date of the enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(10) Under Secretary.—The term “Under Secretary” means the Under Secretary of Commerce for Oceans and Atmosphere.

SEC. 5312. ASSISTANCE TO PORTS TO REDUCE THE IMPACTS OF VESSEL TRAFFIC AND PORT OPERATIONS ON MARINE MAMMALS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Under Secretary, in consultation with the Director of the United States Fish and Wildlife Service, the Secretary, the Secretary of the Treasury, and the Administrator of the Maritime Administration, shall establish a grant program to provide assistance to eligible entities to develop and implement mitigation measures that will lead to a quantifiable reduction in threats to marine mammals from vessel traffic, including shipping activities and port operations.

(1) Eligible Entity.—An entity is an eligible entity for purposes of assistance awarded under subsection (a) if the entity—

(1) is an eligible entity for purposes of assistance awarded under subsection (a) if the entity is—

(A) a port authority for a port;

(B) a local, tribal, or national, or Alaska Native entity that has jurisdiction over a maritime port area or a port;

(C) an academic institution, research institution, or nonprofit organization working in partnership with a port;

(D) a consortium of entities described in paragraphs (1), (2), (3), or (4) of this subsection;

(E) a port authority for a port; or

(F) any combination of the entities in paragraphs (1), (2), (3), or (4) of this subsection.

(b) Eligible Uses.—Assistance awarded under subsection (a) may be used to develop, assess, and carry out activities that reduce threats to marine mammals by—

(1) reducing underwater stressors related to vessel traffic;

(2) reducing mortality and serious injury from vessel strikes and other physical disturbances;

(3) monitoring sound;

(4) reducing vessel interactions with marine mammals;

(5) conducting other types of monitoring that are consistent with reducing the three concerns to, and enhancing the habitats of, marine mammals; or

(6) supporting States and tribal governments in developing the capacity to receive assistance under this section through education, training, information sharing, and collaboration to participate in the grant program under this section.

(c) Priority.—The Under Secretary shall prioritize assistance under subsection (a) for projects that—

(1) are based on the best available science with respect to methods to reduce threats to marine mammals;

(2) collect data on the reduction of such threats and the effects of such methods;

(3) assist ports that pose a higher relative threat to marine mammals listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(4) are in close proximity to areas in which threatened or endangered cetaceans are known to experience other stressors; or

(5) allow eligible entities to conduct risk assessments and to track progress toward threat reduction.

(d) Outreach.—The Under Secretary, in coordination with the Secretary, the Administrator of the Maritime Administration, and the Director of the United States Fish and Wildlife Service, as appropriate, shall conduct coordinated outreach to ports to provide information with respect to—

(1) how to apply for assistance under subsection (a); or

(2) the benefits of such assistance; and

(e) Requirements.—The Program shall—

(1) prioritize species of large cetaceans for which impacts from vessel collisions are of particular concern;

(2) prioritize areas where such impacts are of particular concern;

(3) be capable of detecting and alerting ocean users and enforcement agencies of the probable location of large cetaceans on an actionable real-time basis, including through real-time data that acknowledges—

(A) sector-specific mitigation protocols to effectively reduce takes (as defined in section 216.3 of title 90, Code of Federal Regulations, or successor regulations) of large cetaceans;

(B) integrate technology improvements; and

(C) be informed by technologies, monitoring methods, and mitigation protocols developed under the pilot project required by subsection (d).

(f) Pilot Project.—

(1) Establishment.—In carrying out the Program, the Under Secretary shall first establish a pilot monitoring and mitigation project for North Atlantic right whales (referred to in this section as the “pilot project”) for the purposes of informing the Program.

(2) Requirements.—In designing and deploying the pilot project, the Under Secretary, in coordination with the heads of other relevant Federal agencies, shall, using the best available scientific information, identify and ensure coverage of—

(A) core foraging habitats; and

(B) important feeding, breeding, calving, rearing, or migratory habitats of North Atlantic right whales that are of high risk of mortality or serious injury of such whales from vessels, vessel strikes, or disturbance.

(g) Components.—Not later than 3 years after the date of the enactment of this Act, the Under Secretary, in consultation with relevant Federal agencies and Tribal governments, and with input from stakeholders, shall design and deploy a near real-time monitoring system for North Atlantic right whales that—

(1) integrates the best available detection power, spatial coverage, and survey effort to detect and localize North Atlantic right whales within habitats described in paragraph (h); and

(2) is capable of detecting North Atlantic right whales, including visually and acoustically;

(h) System.—The program uses dynamic habitat suitability models to inform the likelihood of North Atlantic right whale occurrence in habitats described in paragraph (h) at any given time; coordinates with the Ocean Observing System of the National Oceanic and Atmospheric Administration and Regional Ocean Partnerships to leverage monitoring assets;

(i) integrates historical data;

(j) integrates near real-time monitoring and mitigation technologies and methods as such methods and technologies become available;

(k) accurately verifies and rapidly communicates detection data to appropriate ocean users;

(l) creates standards for contributing, and allows ocean users to contribute, data to the monitoring system using comparable near real-time monitoring methods and technologies;

(m) communicates the risks of injury to large cetaceans to ocean users in a manner posed by vessel collisions, and to minimize other impacts on large cetaceans, through the use of near real-time location monitoring and location information.

(n) Requirements.—The Program shall—

(1) prioritize species of large cetaceans for which impacts from vessel collisions are of particular concern;

(2) prioritize areas where such impacts are of particular concern;

(3) be capable of detecting and alerting ocean users and enforcement agencies of the probable location of large cetaceans on an actionable real-time basis, including through real-time data that acknowledges—

(A) sector-specific mitigation protocols to effectively reduce takes (as defined in section 216.3 of title 90, Code of Federal Regulations, or successor regulations) of large cetaceans;

(B) integrate technology improvements; and

(C) be informed by technologies, monitoring methods, and mitigation protocols developed under the pilot project required by subsection (d).
that is most likely to result in informed de-
cision making regarding the mitigation of those risks; and
(J) minimizes additional stressors to large cetaceans.

(3) Monitoring—The Secretary, in consultation with the
Secretary of Defense, the Secretary of Transportation,
and the Secretary of Commerce, shall—
(A) establish a Cetacean Desk, which shall be—
(i) located and manned within the Puget Sound Vessel Traffic Service;
(ii) designed to—
(A) enhance coordination with the maritime industry to reduce the risk of vessel im-
 pact to large cetaceans, including impacts from vessel strikes, disturbances, and other
sources; and
(B) improve coordination with the maritime industry to reduce the risk of vessel im-
 pact to large cetaceans, including impacts from vessel strikes, disturbances, and other
sources;
(B) notify the Secretary, the Secretary of Defense, the Sec-
retary of Transportation, and with input from affected
stakeholders, shall develop and deploy mitigation
protocols that make use of the monitoring
system designed and deployed under subsection (d)(3) to direct sector-specific
mitigation measures that avoid and signifi-
cantly reduce risk of serious injury and mor-
tality to North Atlantic right whales.

(f) Access to Data.—The Secretary shall provide access to data generated by the
monitoring system designed and deployed under subsection (d)(3) for purposes of sci-
entific research and evaluation and public awareness and education, including through
the Puget Sound Vessel Traffic Service, the System
of the National Oceanic and Atmospheric Ad-
ministration and WhaleMap or other suc-
cessor public internet website portals, sub-
ject to review for national security consider-
ations.

(g) Additional Authority.—The Secretary shall, to the extent practicable, to perform such
contract, lease, grant, or cooperative agreements as may be necessary to carry out
(c) may include—
(a) communicating marine mammal protection guidance to vessel operators;
(b) training on requirements imposed by local, State, Tribal, and Federal laws and
regulations and guidelines concerning—
(i) vessel buffer zones;
(ii) vessel speed;
(iii) seasonal no-go zones for vessels;
(iv) protected areas, including areas designated as critical habitat, as applicable to
marine operations; and
(v) any other activities to reduce the direct and indirect impact of vessel traffic on large
cetaceans;
(C) training to understand, utilize, and communicate large cetacean location data;
and
(D) training to understand and communicate basic large cetacean detection, identi-
fication, and behavior, including—
(i) cues of the presence of large cetaceans such as spouts, water disturbances, breaches, or
presence of prey;
(ii) important feeding, breeding, calving, and
rearing habitats that co-occur with areas of
high risk of vessel strikes;
(iii) seasonal large cetacean migration routes that co-occur with areas of high risk
of vessel strikes; and
(iv) areas designated as critical habitat for
large cetaceans.

(h) Report Required.—Not later than 1 year after the date of the enactment of this Act, and
every 2 years thereafter for the duration of the pilot program under this section, the
Commandant, in coordination with the Secretary and the Administrator of the Maritime
Administration, shall submit to the appropriate congressional commi-

SEC. 3314. PILOT PROGRAM TO ESTABLISH A CE-
TACEAN DESK FOR PUGET SOUND REGION.

(a) Establishment.—

(1) In General.—Not later than 1 year after the date of the enactment of this Act, the
Secretary, in consultation with the
(i) be for a duration of 4 years; and
(ii) require not more than 1 full-time

(b) Training and Voluntary Guidance.—The Secretary shall develop and deploy
mitigation guidance to vessels;
(c) Training and Voluntary Guidance.—The Secretary shall develop and deploy
mitigation guidance to vessels;
(d) Training and Voluntary Guidance.—The Secretary shall develop and deploy
mitigation guidance to vessels;
(e) Training and Voluntary Guidance.—The Secretary shall develop and deploy
mitigation guidance to vessels;
(2) assesses the efficacy of collaboration between the Cetacean Desk and the maritime industry and provides recommendations for improvements.

(3) ensures the integration and interoperability of existing data collection methods, as well as public data, into the Cetacean Desk operations;

(4) evaluates the efficacy of collaboration and stakeholder engagement with Tribal governments, the State of Washington, institutions of higher education, the maritime industry and other local, state and federal governmental, and nongovernmental organizations; and

(5) evaluates the progress, performance, and implementation of guidance and training procedures. [Prescribed for the Sound Vessel Traffic Service personnel.]

SEC. 5315. MONITORING OCEAN SOUNDCASES.

(a) In General.—The Under Secretary shall maintain and expand ocean soundscapes development program—

(1) to award grants to expand the deployment of Federal and non-Federal observing data and management systems capable of collecting measurements of underwater sound for purposes of monitoring and analyzing baselines and trends in the underwater landscape to protect and manage marine life;

(2) to continue to develop and apply standardized forms of measurements to assess sound from marine animals, physical processes, and anthropogenic activities; and

(3) after coordinating with the Secretary of Defense, to coordinate and make accessible to the public, the datasets, modeling and analysis, and user-driven products and tools resulting from observations of underwater sound funded through grants awarded under paragraph (1).

(b) Coordination.—The program described in subsection (a) shall—

(1) include the Ocean Noise Reference Station Network of the National Oceanic and Atmospheric Administration and the National Park Service;

(2) use and coordinate with the Integrated Ocean Observing System; and

(3) coordinate with the Regional Ocean Partnerships and the Director of the United States Fish and Wildlife Service, as appropriate.

(c) Priority.—In awarding grants under subsection (a), the Under Secretary shall consider the geographic diversity of the recipients of such grants.

(d) Savings Clause.—An activity may not be carried out under this section if the Secretary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.

(e) Funding.—From funds otherwise appropriated to the Under Secretary, $1,500,000 is authorized for each of fiscal years 2023 through 2028 to carry out this section.

Subtitle B—Oil Spills

SEC. 5321. IMPROVING OIL SPILL PREPAREDNESS.

The Under Secretary of Commerce for Oceans and Atmosphere shall include in the Automated Data Inquiry for Oil Spills database (or successor database) used by National Oceanic and Atmospheric Administration oil weathering models new data, including peer-reviewed data, on properties of crude and refined oils, including data on diluted bitumen, as such data becomes publicly available.

SEC. 5322. WESTERN ALASKA OIL SPILL PLANNING CRITERIA.

(a) Alaska Oil Spill Planning Criteria Program.—

(1) In General.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

"§ 323. Western Alaska Oil Spill Planning Criteria Program.

"(a) Establishment.—There is established within the Coast Guard a Western Alaska Oil Spill Planning Criteria Program (referred to in this section as the 'Program') to develop and administer the Western Alaska oil spill planning criteria.

"(b) Program Manager.—

"(1) in General.—Not later than 1 year after the date of the enactment of this section, the Commandant shall select a permanent employee through a competitive search process for a term of not less than 5 years to serve as the Western Alaska Oil Spill Criteria Program Manager (referred to in this section as the 'Program Manager')—

"(A) the primary duty of whom shall be to administer the Program; and

"(B) who shall not be subject to frequent or routine reassignment.

"(2) Conflicts of Interest.—The individual selected to serve as the Program Manager shall not have conflicts of interest relating to entities regulated by the Coast Guard.

"(3) Duties.—

"(A) Development of Guidance.—The Program Manager shall develop guidance for—

"(i) approval, drills, and testing relating to the Western Alaska oil spill planning criteria; and

"(ii) gathering input concerning such planning criteria from Federal agencies, State, local, and Tribal governments, and relevant industry and nongovernmental entities.

"(B) Assessments.—Not less frequently than once every 5 years, the Program Manager shall—

"(i) assess whether such existing planning criteria adequately meet the needs of vessels operating in the Arctic; and

"(ii) identify methods for advancing response capability so as to achieve, with respect to a vessel, compliance with national planning criteria.

"(C) Onsite Verifications.—The Program Manager shall receive the relatively small number and limited nature of verifications of response capabilities for vessels required by law or regulation, within the Seventeenth Coast Guard District, the quantity and frequency of onsite verifications of the providers identified in the plan.

"(D) Training.—The Commandant shall enhance the knowledge and proficiency of Coast Guard personnel with respect to the Program by—

"(i) developing formalized training on the Program that, at a minimum—

"(AA) provides program analysis of—

"(AA) the national planning criteria described in part 155 of title 33, Code of Federal Regulations (or successor regulations);

"(BB) alternative planning criteria; and

"(CC) Western Alaska oil spill planning criteria;

"(ii) training of the Port Zone responsible for authorizing the approval of vessel response plans by—

"(AA) providing formalized training to the response plans of a vessel under regulation.

"(E) Responsible for vessel owners and operators in preparing a vessel response plan for submission and—

"(i) responsibilities of the Area Command, including risk analysis, response capability, and development of alternative planning criteria.

"(F) explains the approval processes of vessels and how and when approval will be provided. [Prescribed in section 3.85–15(b) of title 33, Code of Federal Regulations (or successor regulations).]

"(ii) alternative planning criteria or Western Alaska oil spill planning criteria submitted under section 155.1065 of title 33, Code of Federal Regulations (or successor regulations), for vessel response plans.

"(F) Tribal.—The term 'tribal' means—

"(i) a vessel response plan means a plan required to be submitted by the owner or operator of a tank vessel or a nontank vessel under regulations issued by the President under section 311(j)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5));

"(ii) Western Alaska oil spill planning criteria.—The term 'Western Alaska oil spill planning criteria' means the criteria required under paragraph (9) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j))."

(2) Clerical Amendment.—The analysis for chapter 3 of title 14, United States Code, is amended by adding at the end the following:

"§ 323. Western Alaska Oil Spill Planning Criteria Program."

(b) Western Alaska Oil Spill Planning Criteria.—

(1) Amendment.—Section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended by adding at the end the following:

"(9) Alternative Planning Criteria Program.—

"(A) Definitions.—In this paragraph:

"(i) Alternative Planning Criteria.—The term 'alternative planning criteria' means criteria submitted under section 155.1065 or 155.5067 of title 33, Code of Federal Regulations (or successor regulations), for vessel response plans.

"(ii) Prince William Sound Captain of the Port Zone.—The term 'Prince William Sound Captain of the Port Zone' means the area described in section 3.85–15(b) of title 33, Code of Federal Regulations (or successor regulations).

"(B) Requires.—Except as provided in paragraph (1) for any part of the area of responsibility of the Western Alaska Captain of the Port Zone or the Prince William Sound Captain of the Port Zone in which the vessel is operating.

"(ii) In any geographic area in the United States; and

"(iii) specifically in the Seventeenth Coast Guard District; and

"(iii) providing such training to all Coast Guard personnel involved in the Program.

"(4) Definitions.—In this section:

"(1) Alternative Planning Criteria.—The term alternative planning criteria means the criteria submitted under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).

"(2) Tribal.—The term 'tribal' means or pertaining to an Indian Tribe or a Tribal organization as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

"(3) Vessel Response Plan.—The term 'vessel response plan' means a plan required to be submitted by the owner or operator of a tank vessel or a nontank vessel under regulations issued by the President under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).

"(4) Western Alaska Oil Spill Planning Criteria.—The term 'Western Alaska oil spill planning criteria' means the criteria required under paragraph (9) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j))."

"(5) Notice.—The analysis for chapter 3 of title 14, United States Code, is amended by adding at the end the following:

"§ 323. Western Alaska Oil Spill Planning Criteria Program."

(2) Amendment.—Section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended by adding at the end the following:

"(9) Alternative Planning Criteria Program.—

"(A) Definitions.—In this paragraph:

"(i) Alternative Planning Criteria.—The term 'alternative planning criteria' means criteria submitted under section 155.1065 or 155.5067 of title 33, Code of Federal Regulations (or successor regulations), for vessel response plans.

"(ii) Prince William Sound Captain of the Port Zone.—The term 'Prince William Sound Captain of the Port Zone' means the area described in section 3.85–15(b) of title 33, Code of Federal Regulations (or successor regulations).

"(iii) Secretary.—The term 'Secretary' means the Secretary of the department in which the Coast Guard is operating.

"(iv) Tribal.—The term 'tribal' means or pertaining to an Indian Tribe or a Tribal organization as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

"(v) Vessel Response Plan.—The term 'vessel response plan' means a plan required to be submitted by the owner or operator of a tank vessel or a nontank vessel under regulations issued by the President under paragraph (5).

"(vi) Western Alaska Captain of the Port Zone.—The term 'Western Alaska Captain of the Port Zone' means the area described in section 3.85–15(a) of title 33, Code of Federal Regulations (or successor regulations).
operating in that area, a response plan required under paragraph (5) with respect to a discharge of oil for such a vessel shall comply with the planning criteria established under subparagraph (D)(i).

"(C) RELATION TO NATIONAL PLANNING CRITERIA.—The planning criteria established under subparagraph (D)(i) shall, with respect to a discharge of oil from a vessel described in subparagraph (B), apply in lieu of any alternate planning criteria accepted for vessels operating in that area prior to the date on which such criteria under subparagraph (D)(i) are established.

"(D) ESTABLISHMENT OF PLANNING CRITERIA.—Acting through the Commandant in consultation with the Western Alaska Oil Spill Criteria Program Manager established under section 323 of title 14, United States Code—

"(i) shall establish—

"(I) Alaska oil spill planning criteria for a worst case discharge of oil, and a substantial threat of such a discharge, within any part of the area of responsibility of the Western Alaska Captain of the Port Zone or Prince William Sound Captain of the Port Zone in which the discharge determined under section (a) of Federal Water Pollution Control Act (33 U.S.C. 1321(i)).

"(ii) criteria for the following:

"(I) the authority of a Federal On-Scene Coordinator to use any available resources when responding to an oil spill;

"(II) sufficient—

"(aa) to support response personnel, marine operations, and the protection and rehabilitation resources in strategic locations throughout the area; and

"(bb) to support response personnel, marine operations, and the protection and rehabilitation resources in strategic locations throughout the area.

"(III) ensuring the availability of at least one oil spill response organization that is classified by the Coast Guard and that—

"(aa) is capable of responding to any oil spill situations that are covered by the planning criteria established pursuant to clause (i) of section (b) of title 33, United States Code—

"(BB) to contain, recover, and temporarily store oil spill response resources and arrive on the scene of a worst case discharge of oil, within 2 hours after the discharge begins.

"(II) vessels that have oil spill response resources that are required to be located within that area.

"(III) Alaska oil spill planning criteria for a worst case discharge of oil, and a substantial threat of such a discharge, within any part of the area of responsibility of the Western Alaska Captain of the Port Zone or Prince William Sound Captain of the Port Zone in which the discharge determined under section 5005 of the Oil Pollution Act of 1990 (33 U.S.C. 273) or

"(IV) ensuring the availability of at least one oil spill response organization that is classified by the Coast Guard and that—

"(aa) is capable of responding to a worst case discharge of oil; and

"(bb) controls oil spill response resources of dedicated and nondedicated resources within that area, through ownership, contracts, agreements, or other means approved by the President, that emphasizes the need for an on-site vessel or response vessel to be capable of responding to a worst case discharge of oil in a cost efficient manner and that is located within that area.

"(V) vessel routing measures consistent with international routing measure definition protocols;

"(VI) maintenance of real-time continuous vessel tracking, monitoring, and engagement protocols with the ability to detect and address vessel operation anomalies;

"(VII) an effective system of vessel response plans approved by the President that meets the requirements of the national planning criteria established pursuant to clause (i) of section (b) of title 33, United States Code—

"(aa) to contain, recover, and temporarily store oil spill response resources and arrive on the scene of a worst case discharge of oil, within 2 hours after the discharge begins.

"(bb) to support response personnel, marine operations, and the protection and rehabilitation resources in strategic locations throughout the area.

"(bb) has temporary storage capability and

"(cc) has a minimum capability to provide at least 2 years of coverage for an Alaska oil spill that was carried by a vessel as fuel or cargo; and

"(dd) has temporary storage capability and

"(ee) has non-mechanical oil spill response resources, agreements, or other means approved by the President, that emphasizes the need for an on-site vessel or response vessel to be capable of responding to a worst case discharge of oil in a cost efficient manner and that is located within that area.

"(VIII) Managing wildlife protection and rehabilitation, including identified wildlife protection and rehabilitation resources in that area.

"(IX) Additional Considerations.—The Commandant may consider criteria regarding—

"(I) vessel routing consistent with international routing measure definition protocols;

"(II) maintenance of real-time continuous vessel tracking, monitoring, and engagement protocols with the ability to detect and address vessel operation anomalies;

"(III) a vessel response plan that meets the requirements of the national planning criteria established pursuant to subparagraph (D)(i).

"(E) INCLUSIONS.—

"(i) In general.—The Western Alaska oil spill planning criteria established under subparagraph (D)(i) shall include planning criteria for the following:

"(I) planning criteria for the following:

"(aa) oil spill response resources that are required to be located within that area.

"(bb) Response times for mobilization of oil spill response resources and arrival on the scene of a worst case discharge of oil, or a substantial threat of such a discharge, occurring within that area.

"(cc) vessels identified vessels for oil spill response that are capable of operating in the ocean environment.

"(dd) temporary storage capability using both dedicated and nondedicated assets located within that area;

"(ee) oil spill response resources for the following:

"(aa) the types of oil response resources required to be included in the response plan under the planning criteria established pursuant to subparagraph (D)(i).

"(II) oil spill response resources and arrival on the scene of a worst case discharge of oil, or a substantial threat of such a discharge, occurring within that area.

"(III) vessels identified for oil spill response that are capable of operating in the ocean environment.

"(IV) ensuring the availability of at least one oil spill response organization that is classified by the Coast Guard and that—

"(aa) is capable of responding to any oil spill situations that are covered by the planning criteria established pursuant to clause (i) of section (b) of title 33, United States Code—

"(aa) oil spill response resources of dedicated and nondedicated resources within that area, through ownership, contracts, agreements, or other means approved by the President, that emphasizes the need for an on-site vessel or response vessel to be capable of responding to a worst case discharge of oil in a cost efficient manner and that is located within that area.

"(bb) contains oil spill response resources of dedicated and nondedicated resources within that area, through ownership, contracts, agreements, or other means approved by the President, that emphasizes the need for an on-site vessel or response vessel to be capable of responding to a worst case discharge of oil in a cost efficient manner and that is located within that area.

"(cc) has a minimum capability to provide at least 2 years of coverage for an Alaska oil spill that was carried by a vessel as fuel or cargo; and

"(dd) has temporary storage capability and

"(ee) has non-mechanical oil spill response resources, agreements, or other means approved by the President, that emphasizes the need for an on-site vessel or response vessel to be capable of responding to a worst case discharge of oil in a cost efficient manner and that is located within that area.

"(FF) oil spill response resources for the following:

"(aa) the types of oil response resources required to be included in the response plan under the planning criteria established pursuant to subparagraph (D)(i).
“(A) section 1006(f), 1012(a)(4), or 5006; or
“(B) an amount, which may not exceed $50,000,000 in any fiscal year, made available by the President from the Fund.
“(1) section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)); and
“(ii) to initiate the assessment of natural resources damages required under section 1006.
“(2) FUND ADVANCES.—
“(A) To the extent that the amount described in subparagraph (B) of paragraph (1) is not adequate to carry out the activities described in that subparagraph, additional amounts may be made available from the Fund as may be necessary, up to a maximum of $100,000,000 for each advance, with the total amount of advances from the Fund not to exceed the amounts available under section 5909(c)(2) of the Internal Revenue Code of 1986.
“(B) NOTIFICATION TO CONGRESS.—Not later than 30 days after the date on which the Coast Guard obtains an advance under subparagraph (A), the Coast Guard shall notify Congress of—
“(i) the amount advanced; and
“(ii) the facts and circumstances that necessitated the advance.
“(C) REPAYMENT.—Amounts advanced under this paragraph shall be repaid to the Fund when, and to the extent that, removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.
“(3) AVAILABILITY.—Amounts to which this subsection applies shall remain available until expended.

SEC. 5329. COST-REIMBURSABLE AGREEMENTS.

Section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712) is amended—
“(1) in subsection (a)(1)(B), by striking ‘‘by a Governor or designated State official’’ and inserting ‘‘by a State, a political subdivision of a State, or an Indian tribe, pursuant to a cost-reimbursable agreement’’;
“(2) by striking subsections (d) and (e) and inserting the following:
“(d) COST-REIMBURSABLE AGREEMENT.—
“(1) IN GENERAL.—In carrying out section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)), the President may enter into cost-reimbursable agreements with a State, a political subdivision of a State, or an Indian tribe to obligate the Fund for the payment of removal costs contingent on the adequacy of cost-reimbursable agreements.
“(2) INAPPLICABILITY.—Neither section 1535 of title 31, United States Code, nor chapter 63 of title 46, United States Code (commonly known as the ‘‘Freedom of Information Act’’), shall apply to a cost-reimbursable agreement entered into under this subsection; and
“(3) by redesignating subsections (f), (h), (i), (j), (k), and (l) as subsections (e), (f), (g), (h), (i), and (j), respectively.

SEC. 5329. OIL SPILL RESPONSE REVIEW.

(a) IN GENERAL.—Subject to the availability of appropriations, the Commandant shall update the processes established under section 311(j)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(7)) that occur within the Marine Transportation System and (A) Coast Guard-approved vessel response plans, including vessel response plan audits and assessments;
(B) oil spill response drills conducted under section 311(j)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(7)) that occur within the Marine Transportation System; and
(C) responses to oil spill incidents that require mobilization of contracted response resources;
(2) to update, not less frequently than annually, information contained in the Coast Guard Response Resource Inventory and other Coast Guard tools used to document the availability and status of oil spill response equipment, so as to ensure that such information reflects the needs of the United States to carry out oil spill response with respect to the ongoing and planned efforts to improve the effectiveness and oversight of the vessel response program.

(A) REVIEW.—The Commandant shall publish the report required by subparagraph (A) on a publicly accessible internet website of the Coast Guard.

SEC. 5330. REVIEW AND REPORT ON LIMITED INDEMNITY PROVISIONS IN STANDBY OIL SPILL RESPONSE CONTRACTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the impact of ongoing and planned efforts to improve the effectiveness and oversight of the vessel response program.

SEC. 5331. ADDITIONAL EXCEPTIONS TO REGULATIONS FOR TOWING VESSELS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for 5 years, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the status of the implementation and operation of the existing and any new towing vessel oil spill liability provisions.

(A) Towing boom for oil spill response; or

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"(A) section 1006(f), 1012(a)(4), or 5006; or
"(B) an amount, which may not exceed $50,000,000 in any fiscal year, made available by the President from the Fund.
"(1) section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)); and
"(ii) to initiate the assessment of natural resources damages required under section 1006.
"(2) FUND ADVANCES.—
"(A) To the extent that the amount described in subparagraph (B) of paragraph (1) is not adequate to carry out the activities described in that subparagraph, additional amounts may be made available from the Fund as may be necessary, up to a maximum of $100,000,000 for each advance, with the total amount of advances from the Fund not to exceed the amounts available under section 5909(c)(2) of the Internal Revenue Code of 1986.
"(B) NOTIFICATION TO CONGRESS.—Not later than 30 days after the date on which the Coast Guard obtains an advance under subparagraph (A), the Coast Guard shall notify Congress of—
"(i) the amount advanced; and
"(ii) the facts and circumstances that necessitated the advance.
"(C) REPAYMENT.—Amounts advanced under this paragraph shall be repaid to the Fund when, and to the extent that, removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.
"(3) AVAILABILITY.—Amounts to which this subsection applies shall remain available until expended.

SEC. 5329. COST-REIMBURSABLE AGREEMENTS.

Section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712) is amended—
"(1) in subsection (a)(1)(B), by striking ‘‘by a Governor or designated State official’’ and inserting ‘‘by a State, a political subdivision of a State, or an Indian tribe, pursuant to a cost-reimbursable agreement’’;
"(2) by striking subsections (d) and (e) and inserting the following:
"(d) COST-REIMBURSABLE AGREEMENT.—
"(1) IN GENERAL.—In carrying out section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)), the President may enter into cost-reimbursable agreements with a State, a political subdivision of a State, or an Indian tribe to obligate the Fund for the payment of removal costs contingent on the adequacy of cost-reimbursable agreements.
"(2) INAPPLICABILITY.—Neither section 1535 of title 31, United States Code, nor chapter 63 of title 46, United States Code (commonly known as the ‘‘Freedom of Information Act’’), shall apply to a cost-reimbursable agreement entered into under this subsection; and
"(3) by redesignating subsections (f), (h), (i), (j), (k), and (l) as subsections (e), (f), (g), (h), (i), and (j), respectively.

SEC. 5329. OIL SPILL RESPONSE REVIEW.

(a) IN GENERAL.—Subject to the availability of appropriations, the Commandant shall update the processes established under section 311(j)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(7)) that occur within the Marine Transportation System and (A) Coast Guard-approved vessel response plans, including vessel response plan audits and assessments;
(B) oil spill response drills conducted under section 311(j)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(7)) that occur within the Marine Transportation System; and
(C) responses to oil spill incidents that require mobilization of contracted response resources;
(2) to update, not less frequently than annually, information contained in the Coast Guard Response Resource Inventory and other Coast Guard tools used to document the availability and status of oil spill response equipment, so as to ensure that such information reflects the needs of the United States to carry out oil spill response with respect to the ongoing and planned efforts to improve the effectiveness and oversight of the vessel response program.

(A) REVIEW.—The Commandant shall publish the report required by subparagraph (A) on a publicly accessible internet website of the Coast Guard.

SEC. 5330. REVIEW AND REPORT ON LIMITED INDEMNITY PROVISIONS IN STANDBY OIL SPILL RESPONSE CONTRACTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the impact of ongoing and planned efforts to improve the effectiveness and oversight of the vessel response program.

(A) REVIEW.—The Commandant shall publish the report required by subparagraph (A) on a publicly accessible internet website of the Coast Guard.

SEC. 5331. ADDITIONAL EXCEPTIONS TO REGULATIONS FOR TOWING VESSELS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for 5 years, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the status of the implementation and operation of the existing and any new towing vessel oil spill liability provisions.

(A) Towing boom for oil spill response; or
(B) participating in an oil response exercise; and
(2) a fishing vessel while that vessel is operating as a vessel of opportunity.

(b) Vessel of Opportunity.—The term ‘‘vessel of opportunity’’ means a vessel engaged in spillover response activities that is normally and substantially involved in activities other than spill response and not a vessel carrying oil as a primary cargo.

Subtitle C—Environmental Compliance

SEC. 5341. REVIEW OF ANCHORAGE REGULATIONS

(a) REGULATORY REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a review of existing anchorage regulations or other rules, which review shall include—

(1) identifying any such regulations or rules that may need modification or repeal in the interest of safety, security, environmental, and economic concerns, taking into account undersea pipelines, cables, or other infrastructure; and
(2) a life-cycle cost-benefit analysis for any modification or repeal identified under paragraph (1).

(b) BRIEFING.—Upon completion of the review under subsection (a), the Secretary shall submit the review and outline provided under subsection (b)(3); and
(2) make the study publicly available.

Subtitle D—Environmental Issues

SEC. 5351. MODIFICATIONS TO THE SPORT FISH RESTORATION ACT AMENDMENTS

(a) DINGELL-JOHNSON SPORT FISH RESTORATION ACT AMENDMENTS.—

(1) AVAILABLE AMOUNTS.—Clause (i) of section 4(b)(1)(B) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)(1)(B)) is amended to read as follows—

‘‘(i) $12,786,434; and

(II) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor; and’’.

(b) INTRODUCTION OF OCEAN WATERS.—Section 9(a) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h(a)) is amended—

(A) in paragraph (1), by striking ‘‘full-time’’;

(B) in paragraph (9), by striking ‘‘on a full-time basis’’;

(C) by inserting ‘‘Pittman-Robertson Wildlife Restoration Act Amendments.—’’ before section 9(a) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 668c(a)(1)(B)) is amended to read as follows—

‘‘(1) for the fiscal year that includes November 15, 2021, the product obtained by multiplying—

‘‘(I) $12,786,434; and
‘‘(II) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor; and’’.

(b) AUTHORIZE EXPENDITURES.—Section 9(a) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 668c(a)) is amended to read as follows—

‘‘(A) in paragraph (9), by striking ‘‘full-time’’;

(B) in paragraph (9), by striking ‘‘on a full-time basis’’;

SEC. 5352. IMPROVEMENTS TO COAST GUARD COMMUNICATION WITH NORTH PACIFIC MARITIME AND FISHING INDUSTRY

(a) RESCUE 21 SYSTEM IN ALASKA.—

(1) UPGRADES.—The Commandant shall ensure the timely upgrade of the Rescue 21 system in Alaska so as to achieve, not later than August 30, 2023, 98 percent operational availability of remote fixed facility sites.

(2) PLAN TO REDUCE OUTAGES.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall develop an operations and capital plan for the Rescue 21 system in Alaska that anticipates maintenance needs so as to reduce Rescue 21 system outages to the maximum extent practicable.

(B) PUBLIC AVAILABILITY.—The plan required by subparagraph (A) shall be made available to the public on a publicly accessible website.

(3) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation Infrastructure of the House of Representatives a report that—

(A) contains a plan for the Coast Guard to notify mariners of radio outages for towers and radio, and operates by the Seventeenth Coast Guard District;

(B) addresses in such plan how the Seventeenth Coast Guard will—

(i) disseminate updates regarding outages on social media not less frequently than every 48 hours;

(ii) provide updates on a publicly accessible website not less frequently than every 48 hours;

(iii) develop methods for notifying mariners in areas in which cellular connectivity does not exist; and

(iv) develop and advertise a web-based communications update hub on AM/FM radio for mariners; and

(C) identifies technology gaps necessary to implement the plan and provides a budgetary assessment necessary to implement the plan.

(4) CONTINGENCY PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant, in collaboration with relevant Federal and State entities (including the North Pacific Fishery Management Council, the National Oceanic and Atmospheric Administration, the National Oceanic and Atmospheric Administration Fisheries Service, agencies of the State of Alaska, local stakeholders), shall establish a contingency plan to ensure that notifications of an outage of the Rescue 21 system in Alaska are broadly disseminated in advance of such outage.

(B) ELEMENTS.—The plan required by subparagraph (A) shall require the Coast Guard to—

(i) disseminate updates regarding outages on social media not less frequently than every 48 hours during an outage;

(ii) provide updates on a publicly accessible website not less frequently than every 48 hours during an outage;

(iii) to notify mariners in areas in which cellular connectivity does not exist;

(iv) develop and advertise a web-based communications update hub on AM/FM radio for mariners; and

(v) to identify technology gaps that need to be addressed in order to implement the plan, and to provide a budgetary assessment necessary to implement the plan.

(b) IMPROVEMENTS TO COMMUNICATION WITH THE FISHING INDUSTRY AND RELATED STAKEHOLDERS.—

(1) IN GENERAL.—The Commandant, in coordination with the National Commercial Fishing Safety Advisory Committee established by section 15102 of title 46, United States Code, shall develop and maintain on a publicly accessible website that contains all Coast Guard-related information relating to the...
SEC. 5353. FISHING SAFETY TRAINING GRANTS PROGRAM.

Section 452(h)(4) of title 46, United States Code, is amended by striking "2018 through 2021" and inserting "2023 through 2025".

SEC. 5354. LOAD LINES.

(a) DEFINITION OF COVERED FISHING VESSEL.—In this section, the term "covered fishing vessel" means a vessel that operates part-time as a fish tender vessel.

(b) APPLICATION TO CERTAIN VESSELS.—

(1) covered under section 5102(b)(5) of title 46, United States Code;

(2) are acting as part-time fish tender vessels; and

(3) are subject to any captain of the port zone subject to the oversight of the Commandant.

(c) CONSULTATION.—In preparing the report required under paragraph (1), the Commandant shall consult with, at a minimum, the maritime industry, including—

(A) relevant Federal, State, and Tribal maritime associations and groups; and

(B) relevant federally funded research institutions, nongovernmental organizations, and academia.

(d) APPlicABILITY.—Nothing in this section shall limit the applicability, as of the date of enactment of this Act, to the captain of a port with respect to safety measures or any other authority as necessary for the safety of covered fishing vessels.

SEC. 5355. ACTIONS BY NATIONAL MARINE FISHERIES SERVICE TO INCREASE ENFORCEMENT.

(a) IN GENERAL.—The National Marine Fisheries Service shall, immediately upon the enactment of this Act, take action to address the outstanding backlog of letters of authorization for the Gulf of Mexico.

(b) REPORT TO CONGRESS.—(1) The National Marine Fisheries Service shall prepare a report to Congress that the National Marine Fisheries Service has taken action to address the outstanding backlog of letters of authorization consistent with the Service’s permitting activities;

(2) the report shall be submitted to Congress not later than 1 year after the date of enactment of this Act, and—

(A) the report shall include an assessment of the progress made in reducing the backlog of letters of authorization inconsistent with the Service’s permitting activities; and

(B) the report shall include an assessment of the progress made in reducing the backlog of letters of authorization consistent with the Service’s permitting activities;

(c) ANNUAL REVISION.—In developing the report required under paragraph (1), the Commandant General shall determine the frequency with which the report shall be submitted to Congress, including the number of years between such examinations; or

(d) AUTOMATIC COMMUNICATIONS.—The Commandant shall develop and commercial fishing industry participation, to the maximum extent practicable, or other safety information relevant to covered fishing vessels.

(e) EXEMPT VESSELS.—In this section, the term "covered fishing vessel" shall not include the following:

(1) military exercises in the exclusive economic zone of the United States (as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)); or

(2) other military activities that will impact recreational or commercial activities.

SEC. 5356. DATA SHARING AND AGGREGATION.

(a) INTERAGENCY WORKING GROUP ON ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—Section 3561(c) of the Maritime SAFe Act of 2012 (49 U.S.C. 40121 et seq.) is amended—

(1) by redesigning paragraphs (4) through (13) as paragraphs (5) through (14), respectively; and

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

"(4) maximizing the utility of the import data collected by the members of the Working Group by harmonizing data standards and entry fields;"

(b) PROHIBITION ON AGGREGATED CATCH DATA FOR CERTAIN SPECIES.—Beginning not later than 1 year after the date of enactment of this Act, for the purposes of compliance with respect to Northern red snapper under the Seafood Import Monitoring Program, the Secretary may not allow an aggregated harvest report of such species, regardless of vessel size.

SEC. 5357. ENHANCEMENT OF SEAFOOD IMPORT MONITORING.

(a) AUDIT PROCEDURES.—The Secretary shall, not later than 1 year after the date of enactment of this Act, implement procedures required in subsection (a), the successor regulation.

(b) EXPANSION OF MARINE FORENSICS LABORATORY.—The Secretary shall, not later than 1 year after the date of enactment of this Act, begin the process of expanding the National Oceanic and Atmospheric Administration Marine Forensics Laboratory, including—

(A) establishing sufficient capacity for the development and deployment of rapid, and follow-up, analysis of field-based testing based on identified Seafood Import Monitoring Program species, and prioritizing such species at high risk of illegal, unreported, or unregulated fishing and seafood fraud;

(B) annual revision.—In developing the procedures required in subsection (a), the Secretary shall use predictive analytics to inform whether to revise such procedures to prioritize for audit those imports originating from nations—

(1) identified pursuant to section 609(a) or 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826(a) or
1626k(a) that have not yet received a subsequent positive certification pursuant to section 609(d) or 610(c) of such Act, respectively; (2) identified by an appropriate regional fisheries management organization in the waters of the United States and to the navigable waters of the United States, except for the high seas or within the exclusive economic zone of any nation, that have resulted in by-catch of a protected living marine resource; (3) engaged, or has been engaged during the 3-year period preceding the date of the determination, to effectively address the illegal, unreported, or unregulated fishing within its fleets in any areas where its vessels are fishing; (4) any nation that fails to discharge duties incumbent upon it to which legally obligated as a flag, port, or coastal state to take action to prevent, deter, and eliminate illegal, unreported, or unregulated fishing; (5) identified as having human trafficking or forced labor in any part of the seafood supply chain, including on vessels flagged in such nations, and including feed for cultured marine species; and (6) identified as producing goods that contain seafood using forced labor or oppressive child labor in the most recent List of Goods Produced by Child Labor or Forced Labor in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

SEC. 5365. AVAILABILITY OF FISHERIES INFORMATION.

Section 402(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b)(1)) is amended—

(1) in subparagraph (G), by striking “or” after the semicolon;
(2) in subparagraph (H), by striking the period and inserting “; or”;
(3) by adding at the end the following:

“(i) any fishing vessel of that nation is engaged, or has been engaged during the 3-year period preceding the date of the determination, to effectively address the illegal, unreported, or unregulated fishing within its fleets in any areas where its vessels are fishing; (ii) any nation that fails to discharge duties incumbent upon it to which legally obligated as a flag, port, or coastal state to take action to prevent, deter, and eliminate illegal, unreported, or unregulated fishing; (iii) identified as having human trafficking or forced labor in any part of the seafood supply chain, including on vessels flagged in such nations, and including feed for cultured marine species; and (iv) identified as producing goods that contain seafood using forced labor or oppressive child labor in the most recent List of Goods Produced by Child Labor or Forced Labor in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).”;

and

(4) by adding at the end the following:

“(4) TIMING.—The Secretary shall make an identification pursuant to paragraph (1) or (2) at any time that the Secretary has sufficient information to make such identification.”.

(5) identified as having human trafficking, including forced labor, in their seafood catching and processing industries by the responsible regional fisheries management organization, or otherwise fails in the 3-year period preceding the date of the determination, to effectively address the illegal, unreported, or unregulated fishing within its fleets in any areas where its vessels are fishing; (5) identified as having human trafficking, including forced labor, in their seafood catching and processing industries by the responsible regional fisheries management organization, or otherwise fails in the 3-year period preceding the date of the determination, to effectively address the illegal, unreported, or unregulated fishing within its fleets in any areas where its vessels are fishing; (5) identified as having human trafficking, including forced labor, in their seafood catching and processing industries by the responsible regional fisheries management organization, or otherwise fails in the 3-year period preceding the date of the determination, to effectively address the illegal, unreported, or unregulated fishing within its fleets in any areas where its vessels are fishing; (5) identified as having human trafficking, including forced labor, in their seafood catching and processing industries by the responsible regional fisheries management organization, or otherwise fails in the 3-year period preceding the date of the determination, to effectively address the illegal, unreported, or unregulated fishing within its fleets in any areas where its vessels are fishing; (5) identified as having human trafficking, including forced labor, in their seafood catching and processing industries by the responsible regional fisheries management organization, or otherwise fails in the 3-year period preceding the date of the determination, to effectively address the illegal, unreported, or unregulated fishing within its fleets in any areas where its vessels are fishing; and (6) identified as producing goods that contain seafood using forced labor or oppressive child labor in the most recent List of Goods Produced by Child Labor or Forced Labor in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

SEC. 5367. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Commerce, Science, and Transportation and the House of Representatives for the implementation of this Act—

(1) the enforcement activities and prior-}
“(i) any fishing vessel of that nation is engaged, or has engaged during the 3 years preceding the date of the determination, in fishing activities on the high seas or within the exclusive economic zone of another nation that target or incidentally catch sharks; and

(ii) the vessel’s flag state has not adopted, implemented, and enforced a regulatory program for the conservation of sharks, including measures to prohibit removal of any of the fins of a shark, including the tail, before landing the shark in port, that is comparable to that of the United States.

“(2) TIMING.—The Secretary shall make an identification under paragraph (1) at any time the Secretary determines that a vessel engaged in, or has engaged in, fishing activities or practices described in subsection (a), about the provisions of this Act;

“(2) initiate discussions as soon as practicable with all foreign nations that are engaged in, or have engaged in, fishing activities described in subsection (a), for the purpose of entering into bilateral and multilateral treaties with such nations to protect such species and to address any underlying failings or gaps that may have contributed to identification under this Act; and

“(c) DEFINITION OF PROTECTED LIVING MARINE RESOURCE.—Section 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(c)) is amended—

(1) in paragraph (2), by inserting “the public and” after “comment by”;

(2) in paragraph (4), by striking “except to the extent that such provisions apply to"; and

(3) in subparagraph (A), by striking “in the best interests of the Coast Guard; and

“(d) DEFINITION OF PROTECTED LIVING MARINE RESOURCE.—Section 610(e) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(e)) is amended by striking paragraph (1) and inserting the following:

“(1) except as provided in paragraph (2), means nontarget fish, sea turtles, or marine mammals protected under United States law or international agreement, including—


SEC. 3573. CAPACITY BUILDING IN FOREIGN FISHERIES.

(a) In General.—The Secretary of Commerce, in consultation with the heads of other Federal agencies, as appropriate, shall develop and carry out with partner governments and civil society—

(1) multi-year coastal and marine resource related international cooperation agreements and projects; and

(2) multi-year capacity-building projects for implementing measures to address illegal, unreported, or unregulated fishing, fraud, forced labor, bycatch, and other conservation measures.

(b) CAPACITY BUILDING.—Section 3543(d) of the Maritime SAFE Act (16 U.S.C. 8013(d)) is amended—

(1) in the matter preceding paragraph (1), by striking “as appropriate,”; and

(2) in paragraph (3), by striking “as appropriate” and inserting “for all priority regions identified by the Working Group’;

(c) RECOVERY.—Section 3534 of the Maritime SAFE Act (16 U.S.C. 8033) is amended—

(1) in paragraph (7), by striking “and” after the semicolon;

(2) in paragraph (8), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(d) the status of work with global enforcement partners.”.

SEC. 3574. TRAINING OF UNITED STATES OBSERVERS.

Section 4003 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881b(b)) is amended—

(1) in paragraph (2), by striking “and” after the semicolon;

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

(3) by inserting after paragraph (3) the following:

“(4) ensure that each observer has received training to identify indicators of forced labor (as defined in section 5361 of the Coast Guard Authorization Act of 2022) and human trafficking (as defined in section 5361 of the Coast Guard Authorization Act of 2022) and refer this information to appropriate authorities; and

SEC. 3575. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as may be necessary to carry out this title.

SEC. 3576. USE OF DEVICES BROADCASTING ON AIR FOR PURPOSES OF MARKING FISHING GEAR.

The Secretary of the department in which the Coast Guard is operating shall, within the Eleventh Coast Guard District, Thirteenth Coast Guard District, Fourteenth Coast Guard District, and Seventeenth Coast Guard District, suspend enforcement of individual users using automatic identification systems devices to equip fishing equipment during the period beginning on the date of enactment of this Act and ending on the earlier of—

(1) the date that is 2 years after such date of enactment; and

(2) the date the Federal Communications Commission promulgates a final rule to authorize a device used to mark fishing equipment to operate in radio frequencies assigned for Automatic Identification System stations.

TITLE LIV—SUPPORT FOR COAST GUARD WORKFORCE

Subtitle A—Support for Coast Guard Members and Families

SEC. 5401. COAST GUARD CHILD CARE IMPROVEMENTS.

(a) FAMILY DISCOUNT FOR CHILD DEVELOPMENT SERVICES.—Section 2922(b)(2) of title 14, United States Code, is amended by adding at the end the following:

“(c) AUTHORIZATION.—There are authorized to be appropriated such sums as necessary to carry out this section.

“(d) DIRECT PAYMENT.—

“(B) enables supplementation or expansion of the provision of Coast Guard child care services while not replacing Coast Guard child care services; and

“(2) the Commandant ensures, to the extent practicable, that the eligible provider is able to comply, and does comply, with the regulations, policies, and standards applicable to Coast Guard child care services.

(b) ELIGIBLE PROVIDERS.—A provider of child care services or youth program services is eligible for financial assistance under this section if the provider—

“(2) is registered in an au pair program of the Department of State; or

“(A) otherwise provides federally funded or federally sponsored child development services;

“(B) provides such services in a child development center owned and operated by a private, not-for-profit organization;

“(C) provides a before-school or after-school child care program in a public school facility;

“(D) conducts an otherwise federally funded or federally sponsored school-age child care or youth services program; and

“(E) conducts a school-age child care or youth services program operated by a not-for-profit organization;

“(F) provides in-home child care, such as a nanny or an au pair; or

“(G) is a provider of another category of child care services or youth program services the Commandant considers appropriate for meeting the needs of residents or civilian employees of the Commandant.

“(a) STANDARDS.—The Commandant shall require each Coast Guard child development center to meet standards of operation—

(1) that the Commandant considers appropriate to ensure the health, safety, and welfare of the children and employees at the center; and

“(2) necessary for accreditation by an appropriate national early childhood programs accrediting entity.

“(c) AUTHORIZATION.—

“(a) AUTHORITY.—The Commandant may operate a child care subsidy program to provide financial assistance to eligible providers that provide child care services or youth program services to members of the Coast Guard, members of the Coast Guard with dependents who are participating in the child care services or youth program, and any other individual the Commandant considers appropriate, if—

“(1) the Commandant considers it in the best interests of the Coast Guard; and

“(2) initiate discussions as soon as practicable with all foreign nations that are engaged in, or have engaged in, activities described in section if the provider—

“(1) is licensed to provide such services under applicable State and local law;

“(2) is registered in an au pair program of the Department of State;

“(3) provide child care services; or

“(4) is a provider of family child care services that—

“(A) otherwise provides federally funded or federally sponsored child development services;

“(B) otherwise provides services in a child development center owned and operated by a private, not-for-profit organization;

“(C) provides a before-school or after-school child care program in a public school facility;

“(D) conducts an otherwise federally funded or federally sponsored school-age child care or youth services program; and

“(E) conducts a school-age child care or youth services program operated by a not-for-profit organization;

“(F) provides in-home child care, such as a nanny or an au pair; or

“(G) is a provider of another category of child care services or youth program services the Commandant considers appropriate for meeting the needs of residents or civilian employees of the Commandant.

“(a) IN GENERAL.—In carrying out a child care subsidy program under subsection (a),
subject to paragraph (3), the Commandant shall provide financial assistance under the program to an eligible member or individual the Commandant considers appropriate by direct payment to such eligible member or individual through monthly pay, direct deposit, or other direct form of payment.

(2) POLICY.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall establish a policy to provide direct payment as described in paragraph (1).

(3) ELIGIBLE PROVIDER FUNDING CONTINUATION.—With the approval of an eligible member or an individual the Commandant considers appropriate, which shall include the written consent of such member or individual, the Commandant may continue to provide financial assistance under the child care subsidy program directly to an eligible provider on behalf of such member or individual.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect any preexisting reimbursement arrangement between the Coast Guard and a qualified provider.

(B) CLERICAL AMENDMENT.—The analysis for chapter 29 of title 14, United States Code, is amended by inserting after the item relating to section 2927 the following:

"2927. Child care subsidy program.".

(2) Expansion of child care subsidy programs.—

(A) IN GENERAL.—The Commandant shall—

(i) evaluate potential eligible uses for the child care subsidy program established under section 2927 of title 14, United States Code (referred to in this paragraph as the "program"); and

(ii) expand the eligible uses of funds for the program to accommodate the child care needs of members of the Coast Guard (including such members with nonstandard work hours or other deployment cycles), including by providing funds directly to such members instead of child care providers.

(B) CONSIDERATIONS.—In evaluating potential eligible uses under subparagraph (A), the Commandant shall consider—

(i) in the best interests of the Coast Guard;

(ii) provide flexibility for eligible members and individuals the Commandant considers appropriate, including such members and individuals with nonstandard work hours; and

(iii) ensure a safe environment for dependents of members of the Coast Guard, for—

(A) members and civilian employees of the Coast Guard;

(B) surviving dependents of members of the Coast Guard who have died on active duty, if such dependents were beneficiaries of a Coast Guard child development service at the time of the death; and

(C) members of the armed forces (as defined in section 101 of title 10, United States Code); and

(D) Federal civilian employees.

(2) Child development service benefits provided under the authority of this section shall be in addition to benefits provided under other laws.

Sec. 5403. Cadet pregnancy policy improvements.

(a) REGULATIONS REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Secretary of the Department in which the Coast Guard is operating, in consultation with the Secretary of Defense, shall prescribe regulations that—

(1) preserve parental guardianship rights of cadets who become pregnant or father a child while attending the Coast Guard Academy; and

(2) maintain military and academic requirements for graduation and commissioning.

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the development of the regulations required by subsection (a).

Sec. 5404. Combat-related special compensation.

(a) Report and briefing.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until the date that is 5 years after the date on which the initial report is submitted under this subsection, the Commandant shall submit a report and provide an in-person briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the implementation of section 221 of the Coast Guard Reauthorization Act of 2015 (Public Law 114–120; 10 U.S.C. 3121a note). The report shall include—

(1) a description of methods to educate members and retirees on the combat-related special compensation program.

(b) Elements.—Each report and briefing required by subsection (a) shall include the following:

(i) a description of the analysis used to identify eligible uses that were evaluated and incorporated into the manual under subparagraph (D);

(ii) a summary of each of the following:

(A) Activities carried out relating to the education of members of the Coast Guard participating in the Transition Assistance Program with respect to combat-related special compensation program.

(B) Activities carried out relating to the education of members of the Coast Guard who are engaged in missions in which they are susceptible to injuries that may result in qualification for combat-related special compensation, including flight school, the National Motor Lifeboat, deployable specialized forces, and other training programs as the Commandant considers appropriate.

(c) Activities carried out relating to training physicians and physician assistants employed by the Coast Guard, or otherwise stationed in Coast Guard clinics, sickbays, or other locations at which medical care is provided to members of the Coast Guard, for the purpose of ensuring, during medical examinations or polioprotection counseling and documentation of symptoms, injuries, and the associated incident that resulted in such injuries.

(d) Activities relating to the notification of health service officers with respect to the combat-related special compensation program.

(e) The written guidance provided to members of the Coast Guard regarding necessary recordkeeping to ensure eligibility for benefits under such program.

(f) Any other matter relating to combat-related special compensation the Commandant considers appropriate.

Sec. 5405. Cadet pregnancy policy improvements.

(a) STUDY.—

(B) IN GENERAL.—The Commandant shall conduct a study on food insecurity among members of the Coast Guard.

(2) ELEMENTS.—The study required by paragraph (1) shall include—

(A) An analysis of the impact of food deserts on members of the Coast Guard and their dependents who live in areas with high costs of living, including areas with high-density populations and rural areas.

(B) A comparison of—

(i) the current method used by the Commandant to determine food insecure areas with consideration to be high-cost-of-living areas; and

(ii) local-level indicators used by the Bureau of Labor Statistics to determine cost of living, including consumer spending in specific geographic areas; and

(iii) indicators of cost of living used by the Department of Agriculture in market basket analyses, and other measures of the local or regional cost of food.

(C) An assessment of the accuracy of the method and indicators described in subparagraph (B) in quantifying high cost of living in low-data and remote areas.

(D) An assessment of the manner in which data on price change and market basket accuracy of cost-of-living allowance calculations, and other benefits, as the Commandant considers appropriate.

(E) Recommendations—

(i) to improve access to high-quality, affordable food within a reasonable distance of
Coast Guard units located in areas identified as food deserts; and
(ii) to reduce transit costs for members of the Coast Guard and their dependents who are required to travel to access high-quality, affordable food; and
(iii) for improving the accuracy of the calculations referred to in subparagraph (D).
(F) Modifying the Standards. The Commandant shall submit each recommendation made under subparagraph (E).
(b) Plan.-(1) IN GENERAL.—The Commandant shall develop a detailed plan to implement the recommendations of the study conducted under subsection (a).
(2) The Commandant shall submit to the Commandant for final approval not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the plan required by paragraph (1), including the cost of implementation, proposals for legislative change, and any other result of the study the Commandant considers appropriate.
(c) Food Desert Defined.—In this section, the term "food desert" means an area, as determined by the Commandant, in which it is difficult, even with a vehicle or an other-wise-available mode of transportation, to obtain necessary healthy food, in the immediate area in which members of the Coast Guard serve and reside.
Subtitle B—Healthcare
SEC. 5421. DEVELOPMENT OF MEDICAL STAFFING STANDARDS FOR THE COAST GUARD.
(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Commandant, in consultation with the Defense Health Agency and any healthcare expert the Commandant considers appropriate, shall develop medical staffing standards for the Coast Guard consistent with the recommendations of the Comptroller General of the United States set forth in the report entitled "Coast Guard Health Care: Improvements Needed for Determining Staffing Needs and Monitoring Access to Care" published in February 2022. The standards required by subsection (a) shall address and take into consideration the following:
(1) Current and future operations of the Coast Guard as recommended by the Department of Homeland Security, missions, including surge deployments for incident response.
(2) Staffing standards for specialized providers, such as flight surgeons, dentists, behavioral health specialists, and physical therapists.
(3) Staffing levels of medical, dental, and behavioral health providers for the Coast Guard who are—
(A) members of the Coast Guard;
(B) assigned to the Coast Guard from the Public Health Service;
(C) Federal civilian employees; or
(D) contractors hired by the Coast Guard to fill vacancies.
(4) Staffing levels at medical facilities for Coast Guard units in remote locations.
(5) Any discrepancy between medical staffing standards of the Department of Defense and medical staffing standards of the Coast Guard.
(b) Review. —Not later than 90 days after the staffing standards required by subsection (a) are completed, the Commandant shall submit the standards to the Comptroller General, who shall review the standards and provide recommendations to the Commandant.
(d) Report to Congress.—Not later than 180 days after developing such standards, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the standards developed under subsection (a) that includes a plan and a description of the resources and budgetary needs required to implement the standards.
(e) Modification, Implementation, and Periodic Updates.—The Commandant shall—
(1) modify such standards as necessary based on the recommendations provided under subsection (c);
(2) implement the standards;
(3) review and update the standards not less frequently than every 4 years.
SEC. 5422. HEALTHCARE SYSTEM REVIEW AND STRATEGIC PLAN.
(a) In General.—Not later than 270 days after the completion of the studies conducted by the Comptroller General of the United States under sections 8259 and 8260 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116-283; 134 Stat. 4679), the Commandant shall—
(1) conduct a comprehensive review of the Coast Guard healthcare system; and
(2) develop a strategic plan for improvements to, and modernization of, such system to enhance the quality, timeliness, and accessibility of healthcare for members of the Coast Guard, their dependents, and applicable Coast Guard retirees.
(b) Plan.—(1) IN GENERAL.—The strategic plan developed under subsection (a) shall seek—
(A) to maximize the medical readiness of members of the Coast Guard;
(B) to optimize delivery of healthcare benefits;
(C) to ensure high-quality training of Coast Guard medical personnel;
(D) to prepare for the future needs of the Coast Guard.
(2) ELEMENTS.—The plan shall address, at a minimum, the following:
(A) Improving access to healthcare for members of the Coast Guard, their dependents, and applicable Coast Guard retirees.
(B) Quality of care.
(C) The experience and satisfaction of members of the Coast Guard and their dependents with the Coast Guard healthcare system.
(D) The readiness of members of the Coast Guard and Coast Guard medical personnel.
(c) Review Committee.—(1) ESTABLISHMENT.—The Commandant shall establish a review committee to conduct a comprehensive analysis of the Coast Guard healthcare system (referred to in this section as "Review Committee").
(2) MEMBERSHIP.—(A) COMPOSITION.—The Review Committee shall be composed of members selected by the Commandant, including—
(i) 1 or more members of the unified services (as defined in section 101 of title 10, United States Code) or Federal employees with expertise in—
(I) the medical, dental, pharmacy, or behavioral health fields; or
(II) any other field the Commandant considers appropriate; and
(ii) a representative of the Defense Health Agency; and
(iii) a medical representative from each Coast Guard district.
(3) CHAIRPERSON.—The chairperson of the Review Committee shall be the Director of the Health, Safety, and Work Life Directorate of the Commandant.
(4) STAFF.—The Review Committee shall be staffed by employees of the Coast Guard.
(5) REPORT TO COMMANDANT.—Not later than 1 year after the Review Committee is established, the Review Committee shall submit to the Commandant a report that—
(A) compares such standards to the medical staffing standards set forth in the Comptroller General's report entitled "Coast Guard Health Care: Improvements Needed for Determining Staffing Needs and Monitoring Access to Care" published in February 2022.
(B) identifies ways to improve access to care for members of the Coast Guard and their dependents who are stationed in remote areas, including methods to expand access to providers in rural and remote areas.
(C) identifies ways the Coast Guard may better use partnerships and public-private agreements to improve quality of care at Coast Guard-owned facilities, military treatment facilities, and specialist referrals.
(D) includes recommendations to improve the Coast Guard healthcare system; and
(E) identifies barriers to participation in the Coast Guard healthcare system and ways the Coast Guard may better use patient feedback to improve quality of care at Coast Guard-owned facilities, military treatment facilities, and specialist referrals.
(F) identifies barriers to participation in the Coast Guard healthcare system and ways the Coast Guard may better use patient feedback to improve quality of care at Coast Guard-owned facilities, military treatment facilities, and specialist referrals.
(G) includes recommendations to improve the Coast Guard healthcare system; and
(H) any other matter the Commandant or the Review Committee considers appropriate.
(6) TERMINATION.—The Review Committee shall terminate on the date that is 30 days after the date on which the Review Committee submits the report required by paragraph (5).
(d) Inapplicability of Federal Advisory Committee Act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Review Committee.
(e) Report to Congress.—(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—
(A) the strategic plan for the Coast Guard medical system required by subsection (a); and
(B) a report of the Review Committee submitted to the Commandant under subsection (c)(5); and
(C) a description of the manner in which the Commandant plans to implement the recommendations of the Review Committee.
SEC. 5423. DATA COLLECTION AND ACCESS TO CARE.
(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Commandant, in consultation with the Defense Health Agency and any healthcare expert the Commandant considers appropriate, shall develop a policy to require the collection of data regarding access by members of the Coast Guard and their dependents to medical, dental, and behavioral health care as recommended by the Comptroller General of the United States in the report entitled "Coast Guard Health Care: Improvements Needed for Determining Staffing Needs and Monitoring Access to Care" published in February 2022.
(b) Elements.—The policy required by subsection (a) shall address the following:
(1) Methods to collect data on access to care for—
(A) routine annual physical health assessments;
(B) flight physicals for aviators and prospective aviators;
(C) sick call;
(D) injuries;
(E) dental health; and
(F) behavioral health conditions.
(2) Collection of data on access to care for referrals.
(3) Collection of data on access to care for members of the Coast Guard stationed at remote units, aboard Coast Guard cutters, and on deployments.
(4) Adoption of a comprehensive electronic health record system to improve data collection on access to care.
(5) Use of data for addressing the standards of care, including time between requests for appointments and actual appointments, including appointments made with referral services.
(c) REVIEW BY COMPTROLLER GENERAL.—
(1) SUBMISSION.—Not later than 15 days after the policy is developed under subsection (a), the Commandant shall submit the policy to the Comptroller General of the United States.
(2) REVIEW.—Not later than 180 days after receiving the policy, the Comptroller General shall review the policy and provide recommendations to the Commandant.
(3) MODIFICATION.—Not later than 60 days after receiving the recommendations of the Comptroller General, the Commandant shall modify the policy as necessary based on such recommendations.
(d) PUBLICATION AND REPORT TO CONGRESS.—Not later than 90 days after the policy is modified under subsection (c)(3), the Commandant shall—
(1) publish the policy on a publicly accessible internet website of the Coast Guard; and
(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the policy and the manner in which the Commandant plans to address access-to-care deficiencies.
(e) PERIODIC UPDATES.—Not less frequently than every 5 years, the Commandant shall review and evaluate the policy.
SEC. 5424. BEHAVIORAL HEALTH POLICY.
(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) members of the Coast Guard—
(A) are necessary to high-risk and often stressful duties; and
(B) should be encouraged to seek appropriate medical treatment and professional guidance; and
(2) after treatment for behavioral health conditions, many members of the Coast Guard should be allowed to resume service in the Coast Guard if they—
(A) are able to do so without persistent duty modifications; and
(B) do not pose a risk to themselves or other members of the Coast Guard.
(b) INTERIM BEHAVIORAL HEALTH POLICY.—
(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall establish an interim behavioral health policy for members of the Coast Guard that is in parity with section 5.28 (relating to behavioral health) of Department of Defense Instruction 6130.03, volume 2, “Medical Standards for Military Service: Retention.”
(2) TERMINATION.—The interim policy established under paragraph (1) shall remain in effect until the date on which the Commandant issues a permanent behavioral health policy for members of the Coast Guard.
(c) PERMANENT POLICY.—In developing a permanent policy with respect to retention and behavioral health, the Commandant shall ensure that, to the extent practicable, the policy of the Coast Guard is in parity with section 5.28 (relating to behavioral health) of Department of Defense Instruction 6130.03, volume 2, “Medical Standards for Military Service: Retention”.
SEC. 5425. MEMBERS ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.
(a) MEDICAL EXAMINATION REQUIRED.—(1) The Secretary shall ensure that a member of the Coast Guard who has performed Coast Guard operations or has been sexually assaulted during the preceding 2-year period, and who is diagnosed by an appropriate licensed or certified healthcare professional as experiencing post-traumatic stress disorder or traumatic brain injury or who otherwise alleges, based on the service of the member and the basis of the examination, that the influence of such a condition, receives a medical examination to evaluate a diagnosis of post-traumatic stress disorder or traumatic brain injury.
(2) A member described in paragraph (1) shall not be administratively separated under conditions other than honorable, including behavioral health separation in lieu of court-martial, until the results of the medical examination have been reviewed by appropriate authorities responsible for evaluating, reviewing, and approving the separation case, as determined by the Secretary.
(b) MEDICAL EXAMINATION.—(1) A member described in paragraph (1) shall be—
(I) discussed by a board-certified or board-eligible psychiatrist; or
(II) evaluated by a licensed doctorate-level psychologist; or
(III) performed under the close supervision of—
(I) a board-certified or board-eligible psychiatrist; or
(II) a licensed doctorate-level psychologist, a health provider, a psychiatry resident, or a clinical or counseling psychologist who has completed a 1-year internship or residency.
(2) In a case involving traumatic brain injury, the medical examination shall be performed by a physiatrist, psychologist, neurosurgeon, or neurologist.
(c) MEDICAL EXAMINATION.—The medical examination required by subsection (a) shall assess whether the effects of mental or neurocognitive disorders, including post-traumatic stress disorder and traumatic brain injury, constitute matters in exclusion that relate to the basis for administrative separation under conditions other than honorable, for the overall characterisation of the service of the member as other than honorable.
(d) INAPPLICABILITY TO PROCEEDINGS UNDER MILITARY JUSTICE.—The medical examination and procedures required by this section do not apply to courts-martial or other proceedings conducted pursuant to the Uniform Code of Military Justice.
(e) COAST GUARD OPERATIONS DEFINED.—
(1) IN GENERAL.—In this section, the term ‘Coast Guard operations’ includes—
(I) coast guard operations and activities conducted by members of the Coast Guard undergoing the Physical Disability Evaluation System, or a related formal or informal process;
(2) a requirement that the Coast Guard undergoing the Physical Disability Evaluation System, or a related formal or informal process, shall be placed in a duty status that allows the member an opportunity to attend necessary medical appointments and other activities relating to the Physical Disability Evaluation System, including completion of any application of the Department of Veterans Affairs and career transition planning.
(f) ELEMENTS.—(1) The policy required by subsection (a) shall include the following:
(I) a requirement that the Commandant of the Coast Guard undergoing the Physical Disability Evaluation System, or a related formal or informal process, shall be—
(a) notified 30 days in advance of any military appointment and career transition benefits for members of the Coast Guard undergoing the Physical Disability Evaluation System, or a related formal or informal process;
(2) a requirement that the Commandant undergoing the Physical Disability Evaluation System, or a related formal or informal process, shall be—
(a) notified 30 days in advance of any military appointment and career transition benefits for members of the Coast Guard undergoing the Physical Disability Evaluation System, or a related formal or informal process;
(b) a requirement that the Commandant undergoing the Physical Disability Evaluation System, or a related formal or informal process, shall be—
(a) notified 30 days in advance of any military appointment and career transition benefits for members of the Coast Guard undergoing the Physical Disability Evaluation System, or a related formal or informal process;
(c) a requirement that the Commandant undergoing the Physical Disability Evaluation System, or a related formal or informal process, shall be—
(a) notified 30 days in advance of any military appointment and career transition benefits for members of the Coast Guard undergoing the Physical Disability Evaluation System, or a related formal or informal process;
(d) a requirement that the Commandant undergoing the Physical Disability Evaluation System, or a related formal or informal process, shall be—
(a) notified 30 days in advance of any military appointment and career transition benefits for members of the Coast Guard undergoing the Physical Disability Evaluation System, or a related formal or informal process;
(ii) a calculation of the costs to retain the member on active duty, including the pay, allowances, and other associated benefits of the member, for the period beginning on the date of the enactment of this Act and ending on the date 2 years after the date of the enactment of this Act; and
(b) the availability of administrative solutions to any such delay.
(8) With respect to a member of the Coast Guard whose enrolled duty status, upon an option to remain in the member’s current billet, to the maximum extent practicable, or to be transferred to a different active-duty assignment, and to minimize any negative impact on the member’s career trajectory.
(9) A requirement that each respective command shall report to the Commandant Personnel Service Center any delay of more than 21 days between each stage of the Physical Disability Evaluation System for any such member, including between stages of the processes, the Medical Evaluation Board, the Informal Physical Evaluation Board, and the Formal Physical Evaluation Board.
(10) A requirement that, not later than 7 days after the date of the enactment of this Act, the Commandant shall, as part of their response to the study of the Coast Guard Disability Evaluation System and their policy of the Coast Guard, hire, train, and deploy not fewer than an additional 5 behavioral health specialists.
(11) A requirement to—
(A) the Commandant shall, by the date of the enactment of this Act, provide a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of the policy developed under subsection (a) and such a member in a timely manner, unless such delay is caused by the member.
(12) A requirement that—
(A) a member of the Coast Guard shall be allowed to make a request for a reasonable delay in the Physical Disability Evaluation System of such a member in a timely manner, unless such delay is caused by the member.
(13) A requirement that—
(A) the Commandant shall take corrective action, which shall ensure that the Coast Guard encounters delays in the assessment that prevent the individual from continuing to work in the Coast Guard after the date of the enactment of this Act, $2,000,000 shall be made available to the Commandant for each of fiscal years 2023 and 2024 to carry out this section.
SEC. 5427. RELATION OF INFORMATION TO COUNSELING.
(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study required by subsection (a). Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study on Coast Guard medical facilities needs.
(b) ELEMENTS.—The study required by subsection (a) shall include the following:
(1) A current list of Coast Guard medical facilities, including clinics, sickbays, and shipboard facilities.
(2) A summary of capital needs for Coast Guard medical facilities, including construction and repair.
(3) A summary of equipment upgrade backlogs of Coast Guard medical facilities.
(4) An assessment of improvements to Coast Guard medical facilities, including improvements to IT infrastructure, required to enable the Coast Guard to fully use telemedicine and implement other modernization initiatives.
(5) An evaluation of the process used by the Coast Guard to identify, monitor, and construct Coast Guard medical facilities.
(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study required by subsection (a).
SEC. 5441. STRATEGY TO IMPROVE QUALITY OF LIFE AT REMOTE UNITS.
(a) IN GENERAL.—Not more than 180 days after the date of the enactment of this Act, the Comptroller General shall develop a strategy to improve the quality of life for members of the Coast Guard and their dependents who are stationed in remote units.
(b) ELEMENTS.—The strategy required by subsection (a) shall address the following:
(1) Methods to improve the availability or affordability of housing and health services for members of the Coast Guard and their dependents through—
(A) Coast Guard-owned housing;
(B) Coast Guard-facilitated housing; or
(C) basic allowance for housing adjustments to rates that are more competitive for members of the Coast Guard seeking privately owned or privately rented housing.
(2) Methods to improve access by members of the Coast Guard and their dependents to—
(A) medical, dental, and psychiatric services; and
(B) behavioral health care that is covered under the TRICARE program (as defined in section 1072 of title 10, United States Code).
(3) Methods to increase access to child care services, including recommendations for increasing child care capacity and opportunities for child care within the Coast Guard and in the private sector.
(4) Methods to improve non-Coast Guard network internet access at remote units—
(A) to improve communications between families and members of the Coast Guard on active duty; and
(B) for other purposes such as education and training.
(5) Methods to support spouses and dependents who face challenges specific to remote locations.
(6) Any other matter the Comptroller General considers appropriate.
(c) BRIEFING.—Not later than 180 days after the strategy required by subsection (a) is submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study required by subsection (a).
SEC. 5430. STUDY ON COAST GUARD MEDICAL FACILITIES NEEDS.
(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study on Coast Guard medical facilities needs.
(b) ELEMENTS.—The study required by subsection (a) shall include the following:
(1) A current list of Coast Guard medical facilities, including clinics, sickbays, and shipboard facilities.
(2) A summary of capital needs for Coast Guard medical facilities, including construction and repair.
(3) A summary of equipment upgrade backlogs of Coast Guard medical facilities.
(4) An assessment of improvements to Coast Guard medical facilities, including improvements to IT infrastructure, required to enable the Coast Guard to fully use telemedicine and implement other modernization initiatives.
(5) An evaluation of the process used by the Coast Guard to identify, monitor, and construct Coast Guard medical facilities.
(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study required by subsection (a).
SEC. 5428. EXPANSION OF ACCESS TO POSTGRADUATE OPPORTUNITIES FOR MEMBERS OF THE COAST GUARD IN MEDICAL AND RELATED FIELDS.
(a) IN GENERAL.—The Commandant shall expand opportunities for members of the Coast Guard to secure postgraduate degrees in medical and related professional disciplines for the purpose of supporting Coast Guard clinics and operations.
(b) MILITARY TRAINING STUDENT LOADS.—Section 4904(b)(3) of title 14, United States Code, is amended by striking “300” and inserting “385”.
SEC. 5429. STUDY ON COAST GUARD TELEMEDICINE PROGRAM.
(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study on the Coast Guard telemedicine program.
(b) ELEMENTS.—The study required by subsection (a) shall include the following:
(1) An assessment of—
(A) the current capabilities and limitations of the Coast Guard telemedicine program;
(B) the degree of integration of such program with existing electronic health records;
(C) the capability and accessibility of such program; and
(D) the manner in which the Coast Guard telemedicine program may be expanded to provide better clinical and behavioral medical services to members of the Coast Guard, including such members stationed at remote units or onboard Coast Guard cutters at sea;
(2) the costs savings associated with the provision of—
(i) care through telemedicine; and
(ii) preventative care.
(3) An identification of barriers to full use or expansion of telemedicine.
(4) A description of the resources necessary to expand such program to its full capability.
(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study required by subsection (a).
SEC. 5432. EXPANDING ACCESS TO COGNITIVE SERVICES TO MEMBERS OF THE COAST GUARD.
(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall, with input from the Coast Guard, provide better clinical and behavioral medical services to members of the Coast Guard, including such members stationed at remote units or onboard Coast Guard cutters at sea.
(b) ELEMENTS.—The study required by subsection (a) shall include the following:
(1) A current list of Coast Guard medical facilities, including clinics, sickbays, and shipboard facilities.
(2) A summary of capital needs for Coast Guard medical facilities, including construction and repair.
(3) A summary of equipment upgrade backlogs of Coast Guard medical facilities.
(4) An assessment of improvements to Coast Guard medical facilities, including improvements to IT infrastructure, required to enable the Coast Guard to fully use telemedicine and implement other modernization initiatives.
(5) An evaluation of the process used by the Coast Guard to identify, monitor, and construct Coast Guard medical facilities.
(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study required by subsection (a).
SEC. 5433. MEDICAL, DENTAL, AND PSYCHIATRIC SERVICES FOR MEMBERS OF THE COAST GUARD.
(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall, with input from the Coast Guard, provide better clinical and behavioral medical services to members of the Coast Guard, including such members stationed at remote units or onboard Coast Guard cutters at sea.
(b) ELEMENTS.—The study required by subsection (a) shall include the following:
(1) A current list of Coast Guard medical facilities, including clinics, sickbays, and shipboard facilities.
(2) A summary of capital needs for Coast Guard medical facilities, including construction and repair.
(3) A summary of equipment upgrade backlogs of Coast Guard medical facilities.
(4) An assessment of improvements to Coast Guard medical facilities, including improvements to IT infrastructure, required to enable the Coast Guard to fully use telemedicine and implement other modernization initiatives.
(5) An evaluation of the process used by the Coast Guard to identify, monitor, and construct Coast Guard medical facilities.
(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study required by subsection (a).
SEC. 5444. STUDY ON COAST GUARD HOUSING ACQUISITIONS, COST, AND CHALLENGES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall commence a study on housing access, affordability, and infrastructure investment prioritization and affordability; and

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

(1) An assessment of—

(A) the extent to which—

(i) the Commandant has evaluated the sufficiency, availability, and affordability of housing options for members of the Coast Guard and their dependents; and

(ii) the Coast Guard owns and leases housing for members of the Coast Guard and their dependents;

(B) the methods used by the Commandant to manage housing data, and the manner in which the Commandant uses such data—

(i) to inform Coast Guard housing policy; and

(ii) to guide investments in Coast Guard-owned housing capacity and other investments in housing, such as long-term leases and other options; and

(C) the process used by the Commandant to gather and provide information used to calculate housing allowances for members of the Coast Guard and their dependents, including whether the Commandant has established best practices to manage low-data areas.

(2) An assessment as to whether it is advantageous for the Coast Guard to continue to use the Department of Defense basic allowance for housing system.

(3) Recommendations for actions the Commandant should take to improve the availability and affordability of housing for members of the Coast Guard and their dependents; and

(A) remote units located in areas in which members of the Coast Guard and their dependents are eligible for TRICARE Prime Remote; or

(B) units located in areas with a high number of vacation rental properties.

(c) STRATEGY.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

(d) REMOTE UNIT DEFINED.—In this section, the term ‘‘remote unit’’ means a unit located in an area in which members of the Coast Guard and their dependents are eligible for TRICARE Prime Remote.

SEC. 5445. AUDIT OF CERTAIN MILITARY HOUSING CONDITIONS OF ENLISTED MEMBERS OF THE COAST GUARD IN KEY WEST, FLORIDA.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Comptroller General, with the coordination with the Secretary of the Navy, shall commence the conduct of an audit to assess—

(1) the conditions of housing units of enlisted members of the Coast Guard located at Naval Air Station Key West Sigbee Park Annex;

(2) the percentage of those units that are considered unsafe or unhealthy housing units for enlisted members of the Coast Guard and their families;

(3) the percentage of the enlisted members of the Coast Guard and their families to report housing concerns;

(4) the extent to which enlisted members of the Coast Guard and their families who experience unsafe or unhealthy housing units incur relocation, per diem, or similar expenses as a direct result of displacement that are not covered by a landlord, insurance, or claims process and the feasibility of providing reimbursement for uncovered expenses; and

(5) what is needed to provide appropriate and safe living quarters for enlisted members of the Coast Guard and their families in Key West, Florida.

(b) REPORT.—Not later than 90 days after the commencement of the audit under subsection (a), the Commandant shall submit to the appropriate committees of Congress a report on the results of the audit.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘‘appropriate committees of Congress’’ means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) PRIVATIZED MILITARY HOUSING.—The term ‘‘privatized military housing’’ means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

(3) UNSAFE OR UNHEALTHY HOUSING UNIT.—The term ‘‘unsafe or unhealthy housing unit’’ means a unit of privatized military housing in which is present, at levels exceeding national standards or guidelines, at least one of the following hazards:

(A) Physiological hazards, including the following:

(i) Dampness or microbial growth.

(ii) Lead-based paint.

(iii) Asbestos or manmade fibers.

(iv) Ionizing radiation.

(v) Biocides.

(vi) Carbon monoxide.

(vii) Volatile organic compounds.

(viii) Infectious agents.

(ix) Fine particulate matter.

(B) Psychological hazards, including the following:

(i) Ease of access by unlawful intruders.

(ii) Lighting.

(iii) Poor ventilation.

(iv) Safety hazards.

(v) Other hazards similar to the hazards specified in clauses (i) through (iv).

(4) UNOFFICIAL HOUSING.—The term ‘‘unofficial housing’’ means any facility belonging to or under the control of the Department of Defense, whether in the United States or outside the United States, that has been acquired or otherwise made available for the use by the Department of Defense of personnel of the Department of Defense.

(5) WHAT IS NEEDED.—The study required by subsection (a) shall include—

(A) A review of authorities, regulations, and policies available to the Secretary of the Navy, the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Homeland Security with respect to construction, maintenance, and operation of housing for members of the Coast Guard and their dependents; and

(B) A review of the housing-related authorities, regulations, and policies available to the Secretary of Defense, and an identification of the different authorities afforded to the Secretary of Defense and the housing-related authorities, regulations, and policies afforded to the Secretary of the Navy.

(6) DOD’S EFFORTS TO ADDRESS OVERSIGHT CHALLENGES.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (a) and the actions the Comptroller General has taken, or has not taken, with respect to the results of the study.

(d) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ‘‘appropriate committees of Congress’’ means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.
TITLE IV—MARITIME

Subtitle A—Vessel Safety

SEC. 5501. ABANDONED SEAFARERS FUND AMENDMENTS.

Section 11113(c) of title 46, United States Code, is amended—

(A) in the matter preceding subparagraph (A) of paragraph (1), by inserting “plus a surcharge of 5 percent of such total amount, after “seafarer”;

(b) by striking paragraph (4).

SEC. 5502. RECEIPTS; INTERNATIONAL AGREEMENTS FOR ICE PATROL SERVICES.

Section 80301(c) of title 46, United States Code, is amended by striking the period at the end and inserting “shall be available until expended for the purpose of the Coast Guard international ice patrol program.”

SEC. 5503. PASSENGER VESSEL SECURITY AND SAFETY REQUIREMENTS.

Notwithstanding any other provision of law, requirements authorized under sections 3509 of title 46, United States Code, shall not apply to any passenger vessel, as defined in section 2101 of such title, that—

(1) carries in excess of 250 passengers; and

(2) is, or was, in operation in the waters of the United States on voyages that include the Boundary Line, as defined in section 101 of such title, on or before July 27, 2030.

SEC. 5504. AT-SEA RECOVERY OPERATIONS PILOT PROGRAM.

(a) In General.—The Secretary shall conduct a pilot program to evaluate the potential use of remotely controlled or autonomous operations, and prepare for the use of relevant technologies in the operation of certain vessels for the purposes of—

(1) better understanding the complexities of such at-sea operations and potential risks to navigational safety, vessel security, maritime workers, the public, and the environment;

(2) gathering observations and performance data from monitoring the use of remotely-controlled or autonomous vessels; and

(3) assessing and evaluating regulatory requirements necessary to guide the development of future occurrences of such operations and monitoring activities.

(b) Duration and Effective Date.—The duration of the pilot program established under this section shall not be more than 5 years beginning on the date on which the pilot program is established, which shall be not later than 180 days after the date of enactment of this Act.

(c) AUTONOMOUS ACTIVITIES.—The activities authorized under this section include—

(1) remote over-the-horizon monitoring of operations related to the active at-sea recovery of spaceflight components on an unmanned vessel or platform;

(2) procedures for the unaccompanied operation and monitoring of an unmanned spaceflight recovery vessel or platform; and

(3) unmanned vessel transits and testing operations without a physical tow line related to space launch and recovery operations, except within 12 nautical miles of a port.

(d) INFEHRUM AUTHORITY.—In recognition of potential risks to navigation safety, vessel security, maritime workers, the public, and the environment, and the unique circumstances requiring the use of remotely operated or autonomous vessels, the Secretary, in the implementation established under subsection (a), may—

(1) allow remotely controlled or autonomous vessel operations to proceed consistent with the requirements of sections 33 and 46 of the United States Code, including navigation and manning laws and regulations;

(2) modify or waive applicable regulations and guidance as the Secretary considers appropriate to—

(A) allow remote and autonomous vessel at-sea operations and activities to occur while ensuring maritime safety; and

(B) ensure the reliable, safe, and secure operation of remotely-controlled or autonomous vessels; and

(3) require each remotely operated or autonomous vessel to be at all times under the supervision of 1 or more individuals—

(A) holding a merchant mariner credential which is suitable to the satisfaction of the Coast Guard; and

(B) who shall practice due regard for the safety of navigation, vessel security, and the preservation of the environment.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Secretary to—

(1) permit foreign vessels to participate in the pilot program established under subsection (a); or

(2) waive or modify any regulations arising under international conventions.

(f) SAVINGS PROVISION.—Nothing in this section may be construed to authorize the employment in trade of a vessel or platform that does not meet the requirements of sections 12112, 55102, 55103, and 5511 of title 46, United States Code.

(g) BRIEFINGS.—The Secretary or the designee of the Secretary shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the program established under subsection (a) on a quarterly basis.

(h) REPORT.—Not later than 180 days after the expiration of the pilot program established under subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the availability of appropriate emergency supplies at Coast Guard units.

(2) gather observations and performance data from monitoring the use of remotely-controlled or autonomous vessels; and

(i) GAO REPORT.—Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the state of autonomous and remote technologies in the operation of shipboard equipment and the safe and secure navigation of vessels in Federal waters of the United States.

(j) DEFINITIONS.—In this section:

(1) MERCHANT MARINER CREDENTIAL.—The term “merchant mariner credential” means a merchant mariner license, certificate, or endorsement issued by the Secretary that is authorized to issue pursuant to title 46, United States Code.
SEC. 3505. EXONERATION AND LIMITATION OF LIABILITY FOR SMALL PASSENGER VESSELS.

(a) Restructuring.—Chapter 305 of title 46, United States Code, is amended—

(1) in section 30501—

(A) by inserting before section 30501 the following:

"Subchapter I—General Provisions";

(B) by inserting after section 30503 the following:

"Subchapter II—Exoneration and Limitation of Liability";

and

(3) by redesignating sections 30503 through 30512 as sections 30521 through 30530, respectively.

(b) Definitions.—Section 30501 of title 46, United States Code, is amended to read as follows:

"§ 30501. Definitions

"In this chapter:

"(1) COVERED SMALL PASSENGER VESSEL.—The term ‘covered small passenger vessel’—

"(A) means a small vessel, as defined in section 30501, that is—

"(i) not a wing-in-ground craft; and

"(ii) carrying—

"(I) not more than 49 passengers on an overnight voyage; and

"(II) not more than 150 passengers on any voyage that is not an overnight domestic voyage; and

"(B) includes any wooden vessel constructed prior to March 11, 1996, carrying at least 1 passenger for hire.

"(2) OWNER.—The term ‘owner’ includes a charterer that pays the passenger’s fare and navigates a vessel at the charterer’s own expense or by the charterer’s own procurement.

"(c) Applicability.—Section 30502 of title 46, United States Code, is amended—

(1) by striking “Except as otherwise provided” and inserting the following: “(a) IN GENERAL.—Except as to covered small passenger vessels and as otherwise provided”; and

(2) by striking “section 30503” and inserting “section 30521”; and

(3) by adding at the end the following:

"(b) APPLICATION.—Notwithstanding subsection (a), the requirements of section 30526 of this title shall apply to covered small passenger vessels.

(d) Provisions Requiring Notice of Claim or Limiting Time for Bringing Action.—Section 30526 of title 46, United States Code, as redesignated by subsection (a), is amended—

(1) in subsection (a), by inserting “and covered small passenger vessels” after “sea-going vessels”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “6 months” and inserting “2 years”; and

(B) in paragraph (2), by striking “one year”.

(e) Chapter Analysis.—The analysis for chapter 305 of title 46, United States Code, is amended—

(1) by inserting before the item relating to section 30501 the following:

"Subchapter I—General Provisions";

(2) by inserting after the item relating to section 30502 the following:

"Subchapter II—Exoneration and Limitation of Liability";

(3) by striking the item relating to section 30501 and inserting the following:

"30501. Definitions.

and

(4) by redesignating the items relating to sections 30503 through 30512 as items relating to sections 30521 through 30530, respectively.

(f) Conforming Amendments.—Title 46, United States Code, is further amended—

(1) in section 14305(a)(5), by striking “section 30506” and inserting “section 30524”; section 30524 is redesignated by subsection (a), by striking “section 30506” and inserting “section 30524”;

(3) in section 30524(b), as redesignated by subsection (a), by striking “section 30506” and inserting “section 30523”; and

(4) in section 30525, as redesignated by subsection (a)—

(A) in the matter preceding paragraph (1), by striking “sections 30505 and 30506” and inserting “sections 30523 and 30524”;

(B) in paragraph (1), by striking “section 30506” and inserting “section 30523”; and

(C) in paragraph (2), by striking “section 30506(b)” and inserting “section 30524(b)”. SEC. 35056. MORATORIUM ON TOWING VESSEL INSPECTION FEES.

Notwithstanding section 9701 of title 31, United States Code, and section 2110 of title 46, the Secretary of the department in which the Coast Guard is operating may not charge an inspection fee for a towing vessel that has a certificate of inspection issued under subchapter M of chapter 1 of title 46, United States Code, and that uses the Tow- ing Safety Management System option for compliance with such subchapter, until—

(1) the promulgation of regulations to establish specific inspection fees for such vessels.

SEC. 5507. CERTAIN HISTORIC PASSENGER VESSELS.

(a) Report on Covered Historic Vessels.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report evaluating the practicability of the application of section 3006(n)(3)(A)(v) of title 46, United States Code, to covered historic vessels.

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

(A) An assessment of the compliance, as of the date on which the report is submitted in accordance with paragraph (1), of covered historic vessels with section 3006(n)(3)(A)(v) of title 46, United States Code,

(B) An assessment of the safety record of covered historic vessels,

(C) An assessment of the risk, if any, that modifying the requirements under section 3006(n)(3)(A)(v) of title 46, United States Code, would meaningfully improve safety of passengers and crew of covered historic vessels.

(D) An evaluation of the economic practicability of the compliance of covered historic vessels with section 3006(n)(3)(A)(v) and whether that compliance would meaningfully improve safety of passengers and crew in a manner that is both feasible and economically practicable.

(E) Any recommendations to improve safety in addition to, or in lieu of, such section 3006(n)(3)(A)(v).

(F) Any other recommendations as the Commandant General determines are appropriate with respect to the practicability of such section 3006(n)(3)(A)(v) to covered historic vessels.

(G) An assessment to determine if covered historic vessels would benefit from an exemption to such section 3006(n)(3)(A)(v) and what changes to legislative or rulemaking require- 
"(3) does not concur with the recommendation.

"(b) EXPLANATION OF CONCURRENCE.—A re-
response under subsection (a) shall include—

"(1) with respect to a recommendation with which the Commandant concurs, an expla-
nation of the actions the Commandant intends to take to implement such recom-
mandation or the reasons the Commandant does not con-
cur.

"(2) with respect to a recommendation with which the Commandant partially con-
curs, an explanation of the actions the Com-
mandant intends to take to implement the portion of such recommendation with which the Commandant partially concurs; and

"(3) with respect to a recommendation with which the Commandant does not con-
cur, the reasons the Commandant does not con-
cur.

(c) FAILURE TO RESPOND.—If the National Transportation Safety Board has not re-
ceived the written response required under subsection (a) by the end of the time period described in such subsection, the National Transportation Safety Board shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Com-
mittee on Transportation and Infrastructure of the House of Representatives that such re-
ponse has not been received.

(b) CLERICAL AMENDMENT.—The analysis for chapter 7 of title 14, United States Code, is amended by adding at the end the follow-
ing:

"721. Responses to safety recommenda-
tions.

SEC. 5510. COMPTROLLER GENERAL OF THE UNITED STATES STUDY AND REPORT ON THE COAST GUARD'S OVERSIGHT OF THIRD PARTY ORGANIZATIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall initiate a review, not later than 1 year after the date of enact-
ment of this Act, that assesses the Coast Guard's oversight of third party organiza-
tions.

(b) ELEMENTS.—The study required under subsection (a) shall analyze the following:

(1) Coast Guard utilization of third party organizations in its prevention mission, and the extent the Coast Guard plans to increase such use to enhance prevention mission per-
formance, including resource utilization and specialized expertise.

(2) The extent the Coast Guard has as-
essed the potential risks and benefits of using third party organizations to support prevention mission activities.

(3) The extent the Coast Guard provides
oversight of third party organizations au-
thorized to support prevention mission ac-
tivities.

(c) REPORT.—The Comptroller General shall submit the results from this study not later than 1 year after initiating the review to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infras-
tructure of the House of Representatives.

SEC. 5511. ARTICULATED TUG-BARGE MANNING.

(a) In General.—Notwithstanding the watch setting requirements set forth in section 4104 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall authorize an Officer in Charge, Marine Inspection to issue an amended certificate of inspection that does not require engine room watch setting to inspected towing vessels certificated prior to July 19, 2022, forming part of an articu-
lated tug-barge unit.

(b) Definitions.—In this section:

(1) CERTIFICATE OF INSPECTION.—The term "certificate of inspection" means a certifi-
icate of inspection under subchapter M of chapter 1 of title 46, Code of Federal Regula-
tions.

(2) INSPECTED TOWING VESSEL.—The term "inspected towing vessel" means a vessel issued a Certificate of Inspection.

SEC. 5512. ALTERNATE SAFETY COMPLIANCE PROGRAM EXCEPTION FOR CERTAIN VESSELS.

Section 4505a of title 46, United States Code, is amended to add the following: (c) R EPORT.—Not later than 1 year after initiating the study under subsection (a), the Comptroller General of the United States shall submit the results from the study to the Committee on Commerce, Science, and Transportation and the Committee on Home-
land Security of the Senate and the Committee on Transpor-
tation and Infrastructure and the Committee on Homeland Security of the House of Represen-
tatives.

SEC. 5524. STUDY TO MODERNIZE THE MER-
CHANT MARINER LICENSING AND DOCUMENTATION SYSTEM.

(a) In General.—Not later than 90 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transpor-
tation and Infrastructure and the Committee on Appropriations of the House of Represen-
tatives, a report on the financial, human, and infor-
mation technology infrastructure resources needed to establish an electronic merchant mariner licensing and documentation sys-
tem.

(b) LEGISLATIVE AND REGULATORY SUGGES-
tIONS.—The report described in subsection (a) shall include recommendations for such legislative or administrative actions as the Commandant determines necessary to estab-
lish the electronic merchant mariner licens-
ing and documentation system described in subsection (a) as soon as possible.

(c) GAO REPORT.—(1) IN GENERAL.—By not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Commandant, shall prepare and submit a report to Congress that evaluates the current processes, as of the date of enactment of this Act, of the Na-
tional Maritime Center for processing and approving merchant mariner credentials.

(2) CONTENTS OF EVALUATION.—The evalua-
tion conducted under paragraph (1) shall in-
clude:

(A) an analysis of the effectiveness of the current merchant mariner credentialing process, as of the date of enactment of this Act;

(B) an analysis of the backlogs relating to the merchant mariner credentialing process and the reasons for such backlogs; and

(C) recommendations for improving and ex-
pediting the merchant mariner credentialing process.

SEC. 5525. STUDY AND REPORT ON DEVELO-
PMENT AND MAINTENANCE OF MAR-
INER RECORDS DATABASE.

(a) STUDY.—(1) IN GENERAL.—The Secretary, in coordi-
nation with the Commandant and the Ad-
ministrator of the Maritime Administration and the Commander of the United States Transportation Command, shall conduct a study on the potential benefits and feasi-
ibility of developing and maintaining a Coast Guard database that—

(A) contains records with respect to each credentialed merchant mariner, including the credentials issued to the mariner, their valid-
ity, drug and alcohol testing results, and information on any final adjudicated

(2) The extent to which the Department of Homeland Security has assessed the effec-
tiveness of its maritime security strategy.

(3) The effectiveness of the maritime secu-

(4) The effectiveness of the maritime secu-
agency action involving a credentialed mariner or regarding any involvement in a marine casualty; and
(B) maintains such records in a manner that readily accesses and discloses to the Federal Government for the purpose of assessing workforce needs and for the purpose of the economic and national security of the United States.
(2) ELEMENTS.—The study required under paragraph (1) shall—
(A) include an assessment of the resources, including the needs and nature of the authorities necessary to develop and maintain the database described in such paragraph; and
(B) specifically address the protection of the privacy interests of any individuals whose information may be contained within the database, which shall include limiting access to the database or having access to the database be monitored by, or accessed through, a member of the Coast Guard.
(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study under subsection (a), including findings, conclusions, and recommendations.

(b) In this section:
(1) CREDENTIALED MARINER.—The term "credentialed mariner" means an individual who is authorized to issue pursuant to title 46, United States Code, a merchant mariner license, certificate, or endorsement.
(2) MERCHANT MARINER CREDENTIALING APPLICATION.—The term "merchant mariner credentialing application" means an application form to be submitted by a merchant mariner credentialing authority.
(3) MERCHANT MARINER CREDENTIAL.—The term "merchant mariner credential" means a merchant mariner credential issued by the Secretary.

SEC. 5526. ASSESSMENT REGARDING APPLICATION PROCESS FOR MERCHANT MARINER CREDENTIALS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct an assessment to determine the resources, including personnel and computing resources, required to—

(1) reduce the amount of time necessary to process merchant mariner credentialing applications to not more than 2 weeks after the date of receipt; and
(2) develop and maintain an electronic merchant mariner credentialing application.

(b) BRIEFING REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives with the results of the assessment required under subsection (a).

(c) DEFINITION.—In this section, the term "merchant mariner credential application" means a credentialing application for a merchant mariner license, certificate, or endorsement.

SEC. 5527. MILITARY TO MARINERS ACT OF 2022.

(a) SHORT TITLE.—This section may be cited as the "Military to Mariners Act of 2022.

(b) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress makes the following findings:

(A) The United States Uniformed Services are composed of the world's most highly trained and professional servicemembers.
(B) A robust Merchant Marine and ensuring United States Merchant Marine labor workforce is critical to economic and national security.

(C) Attracting additional trained and credentialed mariners, particularly from active duty servicemembers and military veterans, will support United States national security and a strong, well-paying jobs to United States veterans.
(D) There is a need to ensure that the Federal Government has a robust, state of the art, and efficient merchant mariner credentialing system to support economic and national security.

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

(A) veterans and members of the Uniformed Services credentialed to join the United States Merchant Marine should receive vigorous support; and
(B) it is incumbent upon the regulatory bodies of the Executive Branch to streamline regulations to facilitate transition of veterans and members of the Uniformed Services into the United States Merchant Marine to maintain a strong maritime presence in the United States and worldwide.

(c) MODIFICATION OF SEA SERVICE REQUIREMENTS FOR MERCHANT MARINER CREDENTIALS FOR VETERANS AND MEMBERS OF THE UNIFORMED SERVICES.—

(1) DEFINITIONS.—In this subsection:

(A) MERCHANT MARINER.—The term "merchant mariner credential" has the meaning given the term in section 7510 of title 46, United States Code.

(B) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

(C) UNIFORMED SERVICES.—The term "Uniformed Services" has the meaning given the term "uniformed services" in section 2101 of title 5, United States Code.

(2) REVIEW AND REGULATIONS.—Notwithstanding any other provision of law, not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) review and examine—

(i) the requirements and procedures for veterans and members of the Uniformed Services to receive a merchant mariner credential;
(ii) the classifications of sea service acquired through training and service as a member of the Uniformed Services and the level of equivalency to sea service on merchant vessels;

(B) provide the availability for a fully internet-based application process for a merchant mariner credential, to the maximum extent practicable;

(C) issue new regulations to—

(i) reduce paperwork, delay, and other burdens for applicants for a merchant mariner credential or members of the Uniformed Services, and, if determined to be appropriate, increase the acceptable percentages of time equivalent to sea service for such applicants; and

(ii) reduce burdens and create a means of alternative compliance to demonstrate instructor competency for Standards of Training, Certification and Watchkeeping for Seafarers courses.

(3) CONSULTATION.—In carrying out paragraph (2), the Secretary shall consult with the National Maritime Personnel Advisory Committee taking into account the present and future needs of the United States Merchant Marine labor workforce.

(4) REPORT.—Not later than the date of enactment of this Act, the Committee on the Marine Transportation System of the House of Representatives shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Armed Services of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Armed Services of the House of Representatives, a report that contains an update on the activities carried out to comply with paragraphs (1) through (3).

(d) ASSESSMENT OF SKILLBRIDGE FOR EMPLOYMENT AS A MERCHANT MARINER.—The Secretary of the department in which the Coast Guard is operating, in collaboration with the Secretary of Defense, shall assess the use of the SkillBridge program of the Department of Defense as a means for transitioning active duty sea service personnel toward employment as a merchant mariner.

(e) FLOATING DRY DOCKS.

Section 5512(a) of title 46, United States Code, is amended—

(1) in paragraph (1)(C)(i), by striking "(C)" and inserting "(C)(i)"; and

(2) by adding at the end the following:

"(ii) had a letter of intent for purchase by such shipyard or affiliate signed prior to such date of enactment; and"

(f) TITLE LVI—SEXUAL ASSAULT AND SEXUAL HARASSMENT PREVENTION AND RESPONSE

SEC. 5601. DEFINITIONS.

(a) IN GENERAL.—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (45) through (54) as paragraphs (47) through (56), respectively; and

(2) by inserting after paragraph (44) the following:

"(45) 'sexual assault' means any form of abuse or contact as defined in chapter 109A of title 18, or a substantially similar offense under a State, local, or Tribal law.

(46) 'sexual harassment' means any of the following:

(A) Conduct towards an individual which may have been by the individual's supervisor, in another area, a co-worker, or another credentialed mariner that—

(i) involves unwelcome sexual advances, requests for sexual favors, or deliberate or repeated陈述 offensive remarks or gestures of a sexual nature, when—

(I) submission to such conduct is made either explicitly or implicitly a term or condition of employment, pay, career, benefits, or entitlements of the individual;

(II) any submission to, or rejection of, such conduct by the individual is used as a basis for decisions affecting the individual's job, pay, career, benefits, or entitlements; or

(III) such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment; and

(ii) is so severe or pervasive that a reasonable person would perceive, and the individual does perceive, the environment as hostile or offensive.

Senator [Speaker's Name] (for Senator [Speaker's Name])

October 11, 2022

[Speaker's Comment]

[Speaker's Name]

[Speaker's Title]
§ 7704a. Sexual harassment or sexual assault as grounds for suspension and revocation.

(a) SEXUAL HARASSMENT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner’s document issued under this part, within 10 years before the beginning of the suspension and revocation proceedings, is the subject of a substantiated claim of sexual harassment or sexual assault, the license, certificate of registry, or merchant mariner’s document shall be suspended or revoked.

(b) SEXUAL ASSAULT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner’s document issued under this part, within 20 years before the beginning of the suspension and revocation proceedings, is the subject of a substantiated claim of sexual assault, then the license, certificate of registry, or merchant mariner’s document shall be revoked.

(c) SUBSTANTIATED CLAIM.—

(1) IN GENERAL.—In this section, the term ‘‘substantiated claim’’—

(A) a legal proceeding or agency action in any administrative proceeding that determines the individual committed sexual harassment or sexual assault as defined in section 2101(b) of title 46, United States Code; and

(B) a determination after an investigation by the Coast Guard that it is more likely than not that the individual committed sexual harassment or sexual assault as defined in section 2101(b) of title 46, United States Code, affords appropriate due process rights to the subject of the investigation.

(2) ADDITIONAL REVIEW.—A license, certificate of registry, or merchant mariner’s document shall not be suspended or revoked under subsection (a) or (b), unless the substantiated claim is reviewed and affirmed, in accordance with the applicable definition in section 2101, by an administrative law judge at the same suspension or revocation hearing under this chapter described in subsection (a) or (b), as applicable.

(b) CLERICAL AMENDMENT.—The analysis for chapter 77 of title 46, United States Code, is amended by adding after the item relating to § 7704 the following:

“§ 7704a. Sexual harassment or sexual assault as grounds for suspension and revocation.”
commercial service that do not carry passengers and are any of the following:

"(A) A documented vessel with overnight accommodations for at least 10 persons on board;

"(B) A documented vessel on an international voyage that is of—

"(i) In excess of 500 gross tons as measured under section 14502; or

"(ii) An alternate tonnage measured under section 14502 as described by the Secretary under section 14104.

"(C) A vessel with overnight accommodations for at least 10 persons on board that are operating for no less than 72 hours on waters superjacent to the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)));

"(D) Any vessel in the Federal aid fisheries program—

"(1) To which this section applies shall install video and audio surveillance equipment.

"(E) Video and audio surveillance equipment shall be placed in passage-way and not used as part of a labor action to records of video and audio surveillance is tested unless used in a criminal or civil action.

"(F) Video and audio surveillance equipment shall be placed in a lance equipment shall be placed in passage-way unless used in a criminal or civil action.

"(G) Personnel training shall be included in the safety management system under section 3203(a)(6);

"(H) video and audio surveillance equipment shall be included in the safety management system under section 3203(a)(6);

"(I) ensure that such vessel is equipped with a master key control system, manual or electronic, which provides controlled access to all copies of the vessel’s master key of which access shall only be available to the individuals described in paragraph (2);

"(J) establish a list of all crew members, identified by position, allowed to access and use the master key;

"(K) maintain such list upon the vessel within the safety management system under section 3203(a)(6);

"(L) record in a log book, which may be electronic, an inspection in the safety management system under section 3203(a)(6), information on all access and use of the vessel’s master key, including—

"(2) date and times of access;

"(3) the name and rank of the crew member that used the master key; and

"(4) make a log book under paragraph (3) available upon request to any agent of the Federal Bureau of Investigation, any member of the Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

"(M) PROMULGATE.—A crew member not included on the list described in subsection (a)(2) shall not have access to or use the master key unless in an emergency and shall immediately notify the master and owner of the vessel following access or use of such key.

"(N) PENALTY.—Any crew member who violates subsection (a)(3) shall be liable to the United States Government for a civil penalty of not more than $1,000, and may be subject to suspension or revocation under section 793;

"(O) clerical amendment.—The analysis of subtitle I at the beginning of title 46, United States Code, is amended by adding after the item relating to chapter 47 the following:

""Chapter 47.—COMMERCIAL VESSELS.

SEC. 5608. MASTER KEY CONTROL.

(a) In General.—Chapter 31 of title 46, United States Code, is amended by adding at the end the following:

"§ 3106. Master key control system

"(a) In General.—The owner of a vessel subject to inspection under section 3301 shall—

"(1) ensure that such vessel is equipped with a vessel master key control system, manual or electronic, which provides controlled access to all copies of the vessel’s master key of which access shall only be available to the individuals described in paragraph (2);

"(2)(A) establish a list of all crew members, identified by position, allowed to access and use the master key;

"(B) maintain such list upon the vessel within the safety management system under section 3203(a)(6);

"(3) record in a log book, which may be electronic, an inspection in the safety management system under section 3203(a)(6), information on all access and use of the vessel’s master key, including—

"(A) date and times of access;

"(B) the room or location accessed;

"(C) the name and rank of the crew member that used the master key; and

"(D) make a log book under paragraph (3) available upon request to any agent of the Federal Bureau of Investigation, any member of the Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

"(E) promulgate.—A crew member not included on the list described in subsection (a)(2) shall not have access to or use the master key unless in an emergency and shall immediately notify the master and owner of the vessel following access or use of such key.

"(F) penalty.—Any crew member who violates subsection (a)(3) shall be liable to the United States Government for a civil penalty of not more than $1,000, and may be subject to suspension or revocation under section 793;

"(G) clerical amendment.—The analysis of chapter 31 of title 46, United States Code, is amended by adding at the end the following:

""Chapter 31.—SAFE flare systems.

SEC. 5609. SAFETY MANAGEMENT SYSTEMS.

Section 3203 of title 46, United States Code, is amended by—

"(1) in subsection (a)—

"(A) by redesigning paragraphs (5) and (6) as paragraphs (7) and (8), respectively; and

"(B) by inserting after paragraph (4) the following:

"(5) with respect to sexual harassment and sexual assault, procedures and annual training requirements for all responsible persons and vessels to which this chapter applies on—

"(A) prevention;

"(B) bystander intervention;

"(C) reporting;

"(D) response; and

"(E) investigation;

"(2) by redesigning subsections (b) and (c) as subsections (d) and (e), respectively, and

"(3) by inserting after subsection (a) the following:

"(a) MANDATORY REPORTING BY VESSEL OWNER, MASTER, MANAGING OPERATOR, OR EMPLOYER.—

"(1) In General.—A vessel owner, master, or managing operator of a documented vessel or the employer of a seafarer on that vessel shall report to the Commandant in accordance with this section any incident of sexual harassment or sexual assault involving a crew member in violation...
of employer policy or law of which such vessel owner, master, managing operator, or employer of the seafarer is made aware. Such reporting shall include results of any investigation into the incident, if applicable, and any action taken against the offending crew member.

(2) PENALTY.—A vessel owner, master, or managing operator of a documented vessel, or employer of a seafarer on that vessel that knowingly fails to report in compliance with paragraph (1) is liable to the United States Government for a civil penalty of not more than $50,000.

(b) REPORTING PROCEDURES.—(1) TIMING OF REPORTS BY VESSEL OWNERS, MASTERS, MANAGING OPERATORS, OR EMPLOYERS.—A report required under subsection (a) shall be made immediately after the vessel owner, master, managing operator, or employer of the seafarer gains knowledge of a sexual assault or sexual harassment incident by the fastest telecommunications channel available. Such report shall be made to the Commandant and the appropriate officer or agency of the government of the country in whose waters the incident occurs.

(2) CONTENTS.—A report required under subsection (a) shall include, to the extent practicable, the personal knowledge of the individual making the report—

(A) the name, official position or role in relation to the vessel, and contact information of the individual making the report;

(B) the name and official number of the documented vessel;

(C) the time and date of the incident;

(D) the geographic position or location of the vessel when the incident occurred; and

(E) a brief description of the alleged sexual assault or sexual harassment being reported.

(3) RECEIVING REPORTS AND COLLECTION OF INFORMATION.—(A) RECEIVING REPORTS.—With respect to reports submitted under this subsection to the Coast Guard, the Commandant—

(i) may establish additional reporting procedures, including procedures for receiving reports through—

(I) a telephone number that is continuously manned at all times; and

(II) an email address that is continuously monitored; and

(ii) shall use procedures that include pre-serving evidence in such reports and providing for evidence referrals.

(B) COLLECTION OF INFORMATION.—After receiving a report under this subsection, the Commandant shall collect information related to the identity of each alleged victim, alleged perpetrator, and witness identified in the report through a means designed to protect, to the extent practicable, the personal identifiable information of such individuals.

(c) SUBPOENA AUTHORITY.—(1) IN GENERAL.—The Commandant may compel the testimony of witnesses and the production of evidence by subpoena to determine compliance with this section.

(2) JURISDICTIONAL LIMITS.—The jurisdictional limits of a subpoena issued under this section are the same as, and are enforceable in the same manner as, subpoenas issued under chapter 63 of this title.

(d) COMPANY AFTER-ACTION SUMMARY.—A vessel owner, master, managing operator, or employer of a seafarer that makes a report under subsection (a) shall—

(1) submit to the Commandant a document in the form of an informational report to describe the actions taken by the vessel owner, master, managing operator, or employer of a seafarer after it became aware of the sexual assault or sexual harassment incident; and

(2) make such submission not later than 10 days after the vessel owner, master, managing operator, or employer of a seafarer made the report under subsection (a).

(e) INVESTIGATORY AUDIT.—The Commandant shall periodically perform an audit or other systematic review of the submissions made under this section to determine if there were any failures to comply with the requirements of this section.

(f) INVESTIGATION.—If the Commandant determines, after an investigation, that a vessel owner, master, managing operator, or employer of a seafarer that fails to comply with subsection (e) is liable to the United States Government for a civil penalty of $50,000 for each day a failure continues.

(g) APPLICABILITY; REGULATIONS.—(1) EFFECTIVE DATE.—The requirements of this section take effect on the date of enactment of the Coast Guard Authorization Act of 2022.

(2) REGULATIONS.—The Commandant may issue regulations to implement the requirements of this section.

(3) REPORTS.—Any report required to be made under this section shall be made to the Coast Guard National Command Center, until regulations establishing other reporting procedures are issued.

SEC. 5611. ACCESS TO CARE AND SEXUAL ASSAULT FORENSIC EXAMINATIONS.

(a) IN GENERAL.—Subchapter IV of chapter 5 of title 14, United States Code, as amended by section 5211, is further amended by adding at the end the following:

8565. Access to care and sexual assault forensic examinations

(1) submit to the Commandant a documented vessel;

(2) the geographic position or location of the vessel when the incident occurred; and

(3) the number of open investigations.

(2) the number of penalties issued under such section.

(3) the number of open investigations under such section, completed investigations under such section, and the outcomes of such open or completed investigations.

(4) the number of assessments or audits conducted under section 3203 and the outcomes of those assessments.

(5) a statistical analysis of compliance with the safety management system criteria under section 3203.

(6) the number of credentials denied or revoked due to sexual harassment, sexual assault, or related offenses; and

(7) recommendations to support efforts of the Coast Guard to improve investigations and oversight of sexual harassment and sexual assault in the maritime sector, including funding requirements and legislative change proposals necessary to ensure compliance with title LVI of the Coast Guard Authorization Act of 2022 and the amendments made by such title.

(b) CLERICAL AMENDMENT.—The analysis for chapter 101 of title 46, United States Code, is amended by adding at the end the following:

10105. Reports to Congress

Not later than 1 year after the date of enactment of the Coast Guard Authorization Act of 2022, and on an annual basis thereafter, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report to include—

(1) the number of reports received under section 10104;

(2) the number of penalties issued under such section;

(3) the number of open investigations under such section, completed investigations under such section, and the outcomes of such open or completed investigations;

(4) the number of assessments or audits conducted under section 3203 and the outcomes of those assessments;

(5) a statistical analysis of compliance with the safety management system criteria under section 3203;

(6) the number of credentials denied or revoked due to sexual harassment, sexual assault, or related offenses; and

(7) recommendations to support efforts of the Coast Guard to improve investigations and oversight of sexual harassment and sexual assault in the maritime sector, including funding requirements and legislative change proposals necessary to ensure compliance with title LVI of the Coast Guard Authorization Act of 2022 and the amendments made by such title.

SEC. 5612. REPORTS TO CONGRESS.

(a) IN GENERAL.—Chapter 101 of title 46, United States Code, is amended by adding at the end the following:

10105. Reports to Congress

Not later than 1 year after the date of enactment of the Coast Guard Authorization Act of 2022, and on an annual basis thereafter, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report to include—

(1) the number of reports received under section 10104;

(2) the number of penalties issued under such section;

(3) the number of open investigations under such section, completed investigations under such section, and the outcomes of such open or completed investigations;

(4) the number of assessments or audits conducted under section 3203 and the outcomes of those assessments;

(5) a statistical analysis of compliance with the safety management system criteria under section 3203;

(6) the number of credentials denied or revoked due to sexual harassment, sexual assault, or related offenses; and

(7) recommendations to support efforts of the Coast Guard to improve investigations and oversight of sexual harassment and sexual assault in the maritime sector, including funding requirements and legislative change proposals necessary to ensure compliance with title LVI of the Coast Guard Authorization Act of 2022 and the amendments made by such title.

(b) CLERICAL AMENDMENT.—The analysis for chapter 101 of title 46, United States Code, is amended by adding at the end the following:

10105. Reports to Congress.
Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study to assess the oversight over Coast Guard activities, including investigations, personnel management, whistleblower protection, and other activities carried out by the Department of Homeland Security Office of Inspector General.

(a) In General.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study to assess the oversight over Coast Guard activities, including investigations, personnel management, whistleblower protection, and other activities carried out by the Department of Homeland Security Office of Inspector General.

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

(1) The ability of the Department of Homeland Security Office of Inspector General to ensure timely, thorough, complete, and appropriate oversight over the Coast Guard for oversight over both civilian and military activities.

(2) An assessment of—

(A) the best practices with respect to such oversight; and

(B) the ability of the Department of Homeland Security Office of Inspector General and the Commandant to identify and achieve such best practices.

(3) An analysis of the methods, standards, and processes employed by the Department of Defense Inspector General and the impact of the implementation of the armed forces (as defined in section 101 of title 10, United States Code), other than the Coast Guard, to conduct oversight and investigation activities.

(4) An analysis of the methods, standards, and processes of the Department of Homeland Security Office of Inspector General with respect to oversight over the civilian and military activities of the Coast Guard, as compared to the methods, standards, and processes described in paragraph (3).

(5) An assessment of the extent to which the Coast Guard Investigative Service completes investigations or other disciplinary measures with respect to complaints from the Department of Homeland Security Office of Inspector General.

(6) A description of the staffing, expertise, training, and other resources of the Department of Homeland Security Office of Inspector General, and an assessment as to whether such staffing, expertise, training, and other resources are sufficient to conduct investigations necessary for meaningful, timely, and effective oversight over the activities of the Coast Guard.

(c) REPORT.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study, including recommendations with respect to oversight over Coast Guard activities.

(d) OTHER REVIEWS.—The study required by subsection (a) may rely upon recently completed or ongoing reviews by the Comptroller General or other entities, as applicable.

SEC. 5616. STUDY ON SPECIAL VICTIMS’ COUNSEL AND VICTIMS’ RIGHTS.

(a) In General.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall enter into an agreement with a federally funded research and development center for the conduct of a study to:

(1) The Special Victims’ Counsel program of the Coast Guard;

(2) Coast Guard investigations of sexual assault offenses for cases involving members of the Coast Guard who are victims of sexual assault, including in instances in which the accused is a member of the Army, Navy, Air Force, Marine Corps, or Space Force.

(b) ELEMENTS.—The study required by subsection (a) shall assess the following:

(1) The Special Victims’ Counsel program of the Coast Guard, including training, effectiveness, capacity to handle the number of cases referred, and experience with cases involving members of another armed force (as defined in section 101 of title 10, United States Code).

(2) The experience of Special Victims’ Counsels with respect to oversight over Coast Guard during a court-martial.

(3) Policies concerning the availability and detailing of Special Victims’ Counsels for sexual assault allegations, in particular such allegations in which the accused is a member of another armed force (as defined in section 101 of title 10, United States Code), and the impact that the cross-service relationship had on—

(A) the competence and sufficiency of services provided to the alleged victim; and

(B) the investigation agency and the Special Victims’ Counsels;

(ii) the investigating agency and the Special Victims’ Counsels; and

(ii) the prosecuting entity and the Special Victims’ Counsels.

(4) Training provided to, or made available for, Special Victims’ Counsels and paralegals with respect to Department of Defense processes for accessing investigations and Special Victims’ Counsel representation of sexual assault victims.

(5) The ability of Special Victims’ Counsels to operate independently without undue influence from third parties, including the command of the accused, the command of the victim, the Judge Advocate General of the Coast Guard, and Judge Advocate General of the Coast Guard.

(6) The skill level and experience of Special Victims’ Counsels, as compared to special counsel and paralegals available to members of the Army, Navy, Air Force, Marine Corps, and Space Force.

(7) Policies regarding access to an alternate Special Victims’ Counsel, if requested by the member of the Coast Guard concerned, and potential improvements for such policies.

(8) REPORT.—Not later than 180 days after entering into an agreement under subsection (a), the federally funded research and development center shall submit to the Committees on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) the findings of the study required by that subsection;

(2) recommendations to improve the coordination and expertise of Special Victims’ Counsels of the Coast Guard so as to improve outcomes for members of the Coast Guard who have reported sexual assault; and

(3) any other recommendation the federally funded research and development center considers appropriate.

TITLE LVII—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subtitle A—National Oceanic and Atmospheric Administration Commissioned Officer Corps

SEC. 5701. DEFINITIONS.

Section 212(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3021(b)) is amended by striking "may not be given" and inserting the following: "may—"

"(1) be given only to an individual who is a citizen of the United States; and

"(2) not be given, if—"

"(A) the officer is not qualified for retirement, be separated from service; and"

"(B) the officer is not qualified for retirement, be separated from service."
SEC. 5706. IMPROVING PROFESSIONAL MARINER STAFFING.

(a) In General.—The Under Secretary may prescribe regulations relating to shore leave for professional mariners without regard to the requirements of section 6305 of title 5, United States Code.

(b) Requirements.—The regulations prescribed under subsection (a) shall—

(1) require that a professional mariner serving in an ocean-going vessel be granted a leave of absence of four days per pay period; and

(2) provide that a professional mariner serving in a temporary promotion position aboard a vessel may be paid the difference between the mariner’s temporary and permanent rates of pay for leave accrued while serving in the temporary promotion position.

(c) Professional Mariner Defined.—In this section, the term "professional mariner" means an individual employed on a vessel of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

"SEC. 260B. SHORE LEAVE FOR PROFESSIONAL MARINERS."

"(a) In General.—The Under Secretary may prescribe regulations relating to shore leave for professional mariners without regard to the requirements of section 6305 of title 5, United States Code.

"(b) Requirements.—The regulations prescribed under subsection (a) shall—

(1) require that a professional mariner serving in an ocean-going vessel be granted a leave of absence of four days per pay period; and

(2) provide that a professional mariner serving in a temporary promotion position aboard a vessel may be paid the difference between the mariner’s temporary and permanent rates of pay for leave accrued while serving in the temporary promotion position.

(d) Professional Mariner Defined.—In this section, the term "professional mariner" means an individual employed on a vessel of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

"SEC. 260B. SHORE LEAVE FOR PROFESSIONAL MARINERS."

SEC. 5706. IMPROVING PROFESSIONAL MARINER STAFFING.

(a) In General.—The Under Secretary may prescribe regulations relating to shore leave for professional mariners without regard to the requirements of section 6305 of title 5, United States Code.

(b) Requirements.—The regulations prescribed under subsection (a) shall—

(1) require that a professional mariner serving in an ocean-going vessel be granted a leave of absence of four days per pay period; and

(2) provide that a professional mariner serving in a temporary promotion position aboard a vessel may be paid the difference between the mariner’s temporary and permanent rates of pay for leave accrued while serving in the temporary promotion position.

(c) Professional Mariner Defined.—In this section, the term "professional mariner" means an individual employed on a vessel of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

"SEC. 260B. SHORE LEAVE FOR PROFESSIONAL MARINERS."
SEC. 5802. RESTATEMENT.
(a) RESTATEMENT.—The text of section 12(a) of the Act of June 21, 1940 (33 U.S.C. 522(a)), popularly known as the "Truman-Hobbs Act", is—
(1) reinstated as it appeared on the day before the date of the enactment of section 8507(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 4754); and
(2) designated as the sole text of section 12 of the Act of June 21, 1940 (33 U.S.C. 522).
(b) EFFECTIVE DATE.—The provision reinstated by subsection (a) shall be treated as if such section had been taken effect on the date of the enactment of this Act;
(c) CONFORMING AMENDMENT.—The provision reinstated under subsection (a) is amended by striking ", except to the extent provided in this section",.

SEC. 5803. TERMS AND VACANCIES.
Section 46101(b) of title 46, United States Code, is amended—
(1) by inserting paragraph (1); and
(A) by striking "one year" and inserting "2 years"; and
(B) by striking "2 terms" and inserting "3 terms";
(2) in paragraph (3)—
(A) by striking "of the individual being succeeded" and inserting "to which such individual is appointed";
(B) by striking "2 terms" and inserting "3 terms"; and
(C) by striking the predecessor of that part and inserting such part as follows:
"TITLe LIX—RULE OF CONSTRUCTION
SEC. 5901. RULE OF CONSTRUCTION.
Nothing in this division may be construed—
(1) to satisfy any requirement for government-to-government consultation with Tribal governments; or
(2) to affect or modify any treaty or other agreement with the United States.

SA 6444. Mr. REED (for Ms. CANTWELL (for herself and Mr. WICKER)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. Reed (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, to construct, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike title XXXV and insert the following:

TITLe XXXV—MARITIME MATTERS
Subtitle A—Short Title; Authorization of Appropriations for the Maritime Administration
SEC. 2501. SHORT TITLE.
This title may be cited as the "Maritime Administration Authorization Act for Fiscal Year 2023".

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS FOR THE MARITIME ADMINISTRATION.
(a) MARITIME ADMINISTRATION.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2023, for programs associated with maintaining the United States Merchant Marine, the following amounts:
(1) For expenses necessary to support the United States Merchant Marine Academy, $312,848,000.
(2) For expenses necessary to implement the Port Infrastructure Development Program, as authorized under section 5401 of title 46, United States Code, $670,000,000, to remain available until expended, except that no such funds authorized under this title for this program may be used to provide a grant to purchase fully automated cargo handling equipment that is remotely operated or remotely monitored with or without the exercise of human intervention or control, if the Secretary of Transportation determines such such equipment would result in a net loss of jobs within a port or port terminal. If such a determination is made, the data and analysis upon which such determination is based shall be reported to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than 3 days after the date of the determination.
(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated—
(1) pursuant to the authority provided in paragraphs (1)(A), (2)(A), and (4)(A) of subsection (a) shall remain available through September 30, 2023; and
(2) pursuant to the authority provided in paragraphs (1)(B), (1)(C), (2)(B), (2)(C), (2)(D), (2)(E), and (2)(F) of section 50101 of title 46, United States Code, is amended by striking "$60,000,000" and inserting "$120,000,000".

(2) INCREASE IN NUMBER OF VESSELS.—Section 50101 of title 46, United States Code, is amended by striking "10" and inserting "20".

Subtitle B—General Provisions

SEC. 3511. STUDY TO INFORM A NATIONAL MARITIME STRATEGY.

(a) IN GENERAL.—The Secretary of Transportation and the Secretary of the department in which the Coast Guard is operating shall enter into an agreement with a studies and analysis federally funded research and development center under which such center shall carry out a study of the key elements and objectives needed for a national maritime strategy. The strategy shall address national objectives, as described in section 50101 of title 46, United States Code, to ensure—

(1) a capable, commercially viable, militarily useful fleet of a sufficient number of merchant vessels documented under chapter 121 of title 46, United States Code;

(2) a robust United States mariner workforce, as defined in section 50101 of title 46, United States Code;

(3) strong United States domestic shipbuilding infrastructure, and related shipbuilding trades amongst skilled workers in the United States; and

(4) that the Navy Fleet Auxiliary Force, the National Defense Reserve Fleet, the Military Sealift Command, the Maritime Security Program under chapter 531 of title 46, United States Code, the Tanker Security Program under chapter 534 of title 46, United States Code, and the Cable Security Program under chapter 532 of title 46, United States Code, should be used to further maintain and grow a United States-documented fleet and the identification of other incentives that could be used and not be authorized at the time of the study;

(b) IN INPUT.—In carrying out the study, the Secretary of the department of transportation and development center shall solicit input from—

(1) relevant Federal departments and agencies;

(2) nongovernmental organizations;

(3) United States companies;

(4) maritime labor organizations;

(5) commercial industries that depend on United States maritime vessels;

(6) domestic shipyards regarding shipbuilding and repair capacity, and the associated skilled workforce, such as the workforce required for transportation, offshore wind, fishing, and aquaculture;

(7) providers of maritime workforce training; and

(8) any other relevant organizations.

(c) ELEMENTS OF THE STUDY.—The study conducted under subsection (a) shall include consultation with the Department of Transportation, the Department of Defense, the Department of Homeland Security, the National Oceanic and Atmospheric Administration, and other relevant Federal agencies, in the identification and evaluation of—

(1) incentives, including regulatory changes, needed to continue to meet the shipbuilding and ship maintenance needs of the United States for commercial and national security purposes, including through a review of—

(A) the loans and guarantees program carried out under chapter 537 of title 46, United States Code, and how the development of new offshore commercial industries, such as offshore wind, would impact such program;

(B) the impact of the loans and guarantees program carried out under chapter 537 of title 46, United States Code, and how the program may be improved to facilitate shipbuilding and ship maintenance activities in the United States;

(C) the needed resources, human and financial, for such incentives; and

(d) the current and anticipated number of shipbuilding and ship maintenance contracts at United States shipyards through 2032, to the extent practicable;

(2) incentives, including regulatory changes, needed to maintain a commercially viable United States-documented fleet, which shall include—

(A) an examination of how the preferences under section 2631 of title 10, United States Code, and chapter 533 of title 46, United States Code, the Maritime Security Program under chapter 531 of title 46, United States Code, the Tanker Security Program under chapter 534 of title 46, United States Code, and the Cable Security Program under chapter 532 of title 46, United States Code, should be used to further maintain and grow a United States-documented fleet and the identification of other incentives that could be used and not be authorized at the time of the study;

(B) an estimate of the number and type of commercial ships needed over the next 30 years; and

(C) estimates of the needed human and financial resources for such incentives;

(3) the availability of United States mariners, and future needs, including—

(A) the number of mariners needed for the United States commercial and national security needs over the next 30 years;

(B) the number of mariners (at the time of the study) to recruit, train, and retain United States mariners to support the United States domestic shipbuilding and ship maintenance workforce needs during peace time and at war;

(C) how those programs could be improved to grow the number of maritime workers trained each year, including how potential collaborative arrangements with United States institutions could be used to address such needs;

(d) public availability.—The study conducted under subsection (a) shall be made publicly available on a website of the Department of Transportation.

SEC. 3512. NATIONAL MARITIME STRATEGY.

(a) IN GENERAL.—Not later than 6 months after the date of receipt of the study conducted under section 3511, the Secretary of Transportation and the Secretary of the department in which the Coast Guard is operating—

(1) the loans and guarantees program carried out under chapter 537 of title 46, United States Code, and how the development of new offshore commercial industries, such as offshore wind, would impact such program;

(b) in consultation with the Secretary of Transportation, in consultation with the Secretary of the department in which the Coast Guard is operating and the Commander of the United States Transportation Command, shall—

(1) update the national maritime strategy and the updated national maritime strategy under subsection (a) to—

(A) international policies and Federal regulations that are required to—

(1) in subparagraph (B), by striking "and" after the semicolon;
SEC. 3521. MARINE HIGHWAYS.

(a) SHORT TITLE.—This section may be cited as the "Marine Highway Promotion Act." 

(b) FINDINGS.—Congress finds the following:

(1) Our Nation's waterways are an integral part of the transportation network of the United States.

(2) Using the Nation's coastal, inland, and other waterways can support commercial transportation, provide access to markets for cargo and passengers, reduce demand for road and bridge repair costs, and alleviate surface transportation congestion and burdensome transportation costs.

(3) Marine highways are serviced by documented United States flag vessels and manned by United States citizens, providing added resources for national security and to aid in times of crisis.

(4) According to the United States Army Corps of Engineers, inland navigation is a key element of economics development and is essential in maintaining economic competitiveness and national security.

(c) UNITED STATES MARINE HIGHWAY PROGRAM.

(1) IN GENERAL.—Section 55601 of title 46, United States Code, is amended to read as follows:

"§ 55601. United States Marine Highway Program

"(a) PROGRAM.—

"(1) ESTABLISHMENT.—The Maritime Administrator shall establish a Marine Highway Program to be known as the 'United States Marine Highway Program'. Under such program, the Maritime Administrator may—

"(A) designate marine highway routes as extensions of the surface transportation system under subsection (b) and subject to the availability of appropriations, make grants or enter into contracts or cooperative agreements under subsection (c).

"(2) PROGRAM ACTIVITIES.—In carrying out the Marine Highway Program established under paragraph (1), the Maritime Administrator may—

"(A) coordinate with ports, State departments of transportation, localities, other public agencies, and the private sector on the development of landside facilities and infrastructure to support marine highway transportation;

"(B) develop performance measures for such Marine Highway Program;

"(C) collect and disseminate data for the designation and delineation of marine highway routes under subsection (b) and conduct research on solutions to impediments to marine highway services eligible for assistance under subsection (c)(1);

"(D) conduct research on solutions to impediments to marine highway services eligible for assistance under subsection (c)(1);

"(E) designation of Marine Highway Routes; and

"(F) authority.—The Maritime Administrator may designate or modify a marine highway route as an extension of the surface transportation system if—

"(i) such a designation or modification is requested by—

"(I) the government of a State or territory;

"(ii) a metropolitan planning organization;

"(iii) a port authority;

"(iv) a non-Federal navigation district; or

"(v) a Tribal government; and

"(B) the Maritime Administrator determines such marine highway route satisfies at least one covered function under subsection (d).

"(2) DETERMINATION.—Not later than 180 days after the date on which the Maritime Administrator receives a request for designation or modification of a marine highway route under paragraph (1), the Maritime Administrator shall make a determination of whether to make the requested designation or modification.

"(3) EFFECT.—If the Maritime Administrator makes the determination whether to make the requested designation or modification, the Maritime Administrator shall send the requestor a notification of the determination.

"(4) MAJOR.—

"(A) IN GENERAL.—Not later than 120 days after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2019, the Administrator shall review existing marine highway routes, including such routes along the coasts, in the inland waterways, and at sea.

"(B) COORDINATION.—The Administrator shall coordinate with the National Oceanic and Atmospheric Administration to incorporate the map into the Marine Cadastre.

"(5) ASSISTANCE FOR MARINE HIGHWAY SERVICES.—

"(1) IN GENERAL.—The Maritime Administrator may make grants to, or enter into contracts or cooperative agreements with, an eligible entity to implement a marine highway service, component of a marine highway service, or component of a Marine Highway Program.

"(2) DETERMINATION.—Not later than 180 days after the date on which the Maritime Administrator receives a request for designation or modification of a marine highway route under paragraph (1), the Maritime Administrator shall make a determination of whether to make the requested designation or modification.

"(3) EFFECT.—If the Maritime Administrator makes the determination whether to make the requested designation or modification, the Maritime Administrator shall send the requestor a notification of the determination.

"(4) MAJOR.—

"(A) IN GENERAL.—Not later than 120 days after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2019, the Maritime Administrator shall review existing marine highway routes, including such routes along the coasts, in the inland waterways, and at sea.

"(B) COORDINATION.—The Administrator shall coordinate with the National Oceanic and Atmospheric Administration to incorporate the map into the Marine Cadastre.

"(C) ASSISTANCE FOR MARINE HIGHWAY SERVICES.—

"(1) IN GENERAL.—The Maritime Administrator may make grants to, or enter into contracts or cooperative agreements with, an eligible entity to implement a marine highway service, component of a marine highway service, or component of a Marine Highway Program.

"(2) DETERMINATION.—Not later than 180 days after the date on which the Maritime Administrator receives a request for designation or modification of a marine highway route under paragraph (1), the Maritime Administrator shall make a determination of whether to make the requested designation or modification.

"(3) EFFECT.—If the Maritime Administrator makes the determination whether to make the requested designation or modification, the Maritime Administrator shall send the requestor a notification of the determination.

"(4) MAJOR.—

"(A) IN GENERAL.—Not later than 120 days after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2019, the Maritime Administrator shall review existing marine highway routes, including such routes along the coasts, in the inland waterways, and at sea.

"(B) COORDINATION.—The Administrator shall coordinate with the National Oceanic and Atmospheric Administration to incorporate the map into the Marine Cadastre.

"(C) ASSISTANCE FOR MARINE HIGHWAY SERVICES.—

"(1) IN GENERAL.—The Maritime Administrator may make grants to, or enter into contracts or cooperative agreements with, an eligible entity to implement a marine highway service, component of a marine highway service, or component of a Marine Highway Program.

"(2) DETERMINATION.—Not later than 180 days after the date on which the Maritime Administrator receives a request for designation or modification of a marine highway route under paragraph (1), the Maritime Administrator shall make a determination of whether to make the requested designation or modification.

"(3) EFFECT.—If the Maritime Administrator makes the determination whether to make the requested designation or modification, the Maritime Administrator shall send the requestor a notification of the determination.

"(4) MAJOR.—

"(A) IN GENERAL.—Not later than 120 days after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2019, the Maritime Administrator shall review existing marine highway routes, including such routes along the coasts, in the inland waterways, and at sea.

"(B) COORDINATION.—The Administrator shall coordinate with the National Oceanic and Atmospheric Administration to incorporate the map into the Marine Cadastre.
for a service located in a Tribal or rural area.

“(C) TRIBAL GOVERNMENT.—The Maritime Administrator may increase the Federal share of costs such as those incurred for a service benefitting a Tribal Government.

“(8) REUSE OF UNEXPENDED GRANT FUNDS.—Notwithstanding paragraph (6), amounts awarded under subsection (a) shall be returned to the Maritime Administrator if such amounts were made available to carry out this subsection for any fiscal year may be used for the necessary administrative costs associated with grants, contracts, and cooperative agreements made under this subsection.

“(9) ADMINISTRATIVE COSTS.—Not more than $100,000 of funds available to carry out this subsection for any fiscal year may be used for the necessary administrative costs associated with grants, contracts, and cooperative agreements made under this subsection.

“(10) PROCEDURAL SAFEGUARDS.—The Administrator, in consultation with the Office of the Inspector General, shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that:

“(A) amounts made available to carry out this subsection are used for the purposes for which they were made available;

“(B) recipients of funds under this subsection (grants, contracts, or cooperative agreements) have properly accounted for all expenditures of such funds; and

“(C) any such funds that are not obligated or expended for the purposes for which they were made available are returned to the Administrator.

“(11) CONDITIONS ON PROVISION OF FUNDS.—The Maritime Administrator may not award funds to an applicant under this subsection unless the Administrator determines that—

“(A) sufficient funding is available to meet the non-Federal share requirement of paragraph (7);

“(B) the marine highway service for which such funds are provided will be completed without unreasonable delay; and

“(C) the recipient of such funds has authority to implement the proposed marine highway service.

“(12) COVERED FUNCTIONS.—A covered function under this subsection is one of the following:

“(1) Promotion of marine highway transportation.

“(2) Provision of a coordinated and capable alternative to landside transportation.

“(3) Mitigation or relief of landside congestion.

“(4) PROHIBITED USES.—Funds awarded under this section may not be used to—

“(1) raise sunken vessels, construct buildings or other physical facilities, or acquire land unless such activities are necessary for the establishment or operation of a marine highway service implemented using grant funds provided, or pursuant to a contract or cooperative agreement entered into under subsection (c); or

“(2) improve port or land-based infrastructure outside the United States.

“(f) GEOGRAPHIC DISTRIBUTION.—In making grants, contracts, and cooperative agreements under this section the Maritime Administrator shall provide for a uniform geographic distribution of funds.

“(g) ALIENS AND EXAMINATIONS.—All recipients (including recipients of grants, contracts, and cooperative agreements) under this section shall maintain such records as the Maritime Administrator may prescribe and make such records available for review and audit by the Maritime Administrator.

“(2) RULES.—

“(A) FINAL RULE.—Not later than 1 year after the date of enactment of this title, the Secretary of Transportation shall prescribe such rules as are necessary to carry out the amendments made by this subsection.

“(B) INTERIM RULES.—The Secretary of Transportation may prescribe temporary interim rules to carry out the amendments made by this subsection. For this purpose, the Maritime Administrator, in prescribing rules under this subparagraph, is excepted from any notice and comment requirements of section 553 of title 5, United States Code, prior to the effective date of the interim rules. All interim rules prescribed under this subparagraph shall remain in effect until such time as the interim rules are superseded by a final rule, following notice and comment.

“(C) SAVINGS CLAUSE.—The requirements under section 55601 of title 46, United States Code, as amended by this subsection, shall take effect only after the interim rule described in subparagraph (B) is promulgated by the Secretary.

“(d) MULTISTATE, STATE, AND REGIONAL TRANSPORTATION PLANNING.

“(1) IN GENERAL.—The Maritime Administrator, in consultation with the heads of other appropriate Federal departments and agencies, State and local governments, and appropriate private sector entities, may develop strategies to encourage the use of marine highway transportation for the transport of passengers and cargo.

“(2) STRATEGIES.—If the Maritime Administrator develops the strategies described in subsection (a), the Maritime Administrator may—

“(A) assess the extent to which States and local governments include marine highway transportation and other marine transportation solutions in transportation planning;

“(B) encourage State departments of transportation to develop strategies, where appropriate, to incorporate marine highway transportation solutions into multimodal transportation solutions for regional and interstate transportation; and

“(C) encourage States and multistate transportation entities to determine how marine highway transportation can address congestion, bottlenecks, and other interstate transportation challenges, including the lack of alternative surface transportation options.

“(e) RESEARCH ON MARINE HIGHWAY TRANSPORTATION.—The Maritime Administrator, in consultation with the heads of other appropriate Federal departments and agencies, shall develop and conduct research on marine highway transportation and its potential to—

“(1) assess the economic importance of marine highway transportation to the United States economy;

“(2) assess the importance of marine highway transportation to rural areas, including the lack of alternative surface transportation options;

“(3) assess United States regions and territories, and within region areas, that do not yet have marine highway services underway, but that could benefit from the establishment of marine highway services.

“(f) TECHNICAL AMENDMENTS.—

“(1) CLERICAL.—Section 55605 of title 46, United States Code, is amended by striking the item relating to section 55605 and inserting the following:

“55605. Definitions.

“(a) IN GENERAL.—In this chapter—

“(1) the term ‘marine highway transportation’ means the carriage by a documented vessel (including such carriage of cargo and passengers), and such carriage—

“(A) is—

“(i) contained in intermodal cargo containers and loaded by crane on or off the vessel;

“(ii) loaded on the vessel by means of wheeled technology, including roll-on roll-off cargo;

“(iii) shipped in discrete units or packages that are handled individually, palletized, or unitized for purposes of transportation;

“(iv) bulk, liquid, or loose cargo loaded in tanks, holds, hoppers, or on deck;

“(v) freight vehicles carried aboard commutre ferry boats; and

“(B) is—

“(i) loaded at a port in the United States and unloaded either at another port in the United States or at a port in Canada or Mexico; or

“(ii) loaded at a port in Canada or Mexico and unloaded at a port in the United States; or

“(2) the term ‘marine highway service’ means a planned or contemplated new service, or expansion of an existing service, on a marine highway route, that seeks to provide new modal choices to shippers, offer more desirable service, reduce transportation costs, or provide public benefits;

“(3) the term ‘marine highway route’ means a route on commercially navigable coastal, inland, or international waters of the United States, including connections between the United States and a port in Canada or Mexico, that is designated under section 55601(b); and

“(4) the term ‘tribal Government’ means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, community, or other area designated, in accordance with the Tribal Claims Settlement Act, a Native Claims Settlement Act of 1994 (25 U.S.C. 3183); and

“(5) the term ‘Alaska Native Corporation’ has the meaning given the term ‘Native Corporate Entity’ under section 104 of the Alaska Native Claims Settlement Act (41 U.S.C. 1602)."

“(g) TECHNICAL AMENDMENTS.—

“(1) CLERICAL.—Section 55605 of title 46, United States Code, is amended—

“(A) by striking the item relating to section 55601 and inserting the following:—

“55601. United States Marine Highway Program.

“(B) by inserting after the item relating to section 55602 the following:

“55603. Multistate, State, and regional transportation planning.

“(C) by striking the item relating to section 55606 and inserting the following:

“55606. Definitions.

“(d) TECHNICAL AMENDMENTS.—

“(1) CLERICAL.—Section 55605 of title 46, United States Code, is amended in paragraph (5) by—

“(A) inserting the following:—

“(B) by striking clause (iii).

“SEC. 3522. GAO REVIEW OF EFFORTS TO SUPPORT AND GROW THE UNITED STATES MARINE HIGHWAY SERVICES.

“Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that examines United States Government efforts to promote the growth and
modernization of the United States maritime industry, and the vessels of the United States, as defined in section 116 of title 46, United States Code, including the overall effi-
cacy of United States Governmental mar-
cial support and policies, including the Cap-
ital Construction Fund, Construction Re-
serve Fund, and other eligible loan, grant, or other commitments.
SEC. 3523. GAO REVIEW OF FEDERAL EFFORTS TO ENHANCE PORT INFRASTRUCTURE RESILIENCY AND DISASTER PREPAREDNESS—
Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa-
tives that examines Federal efforts to assist ports in enhancing the resiliency of their key intermodal connectors to weather-re-
lated disasters. The report shall include con-
sideration of the following:
(1) Actions being undertaken at various ports to better identify critical land-side connectors that may be vulnerable to disrup-
tion in the event of a natural disaster, in-
cluding how to communicate such informa-
tion to those managing the systems when communications systems may be compromised, and the level of Federal involvement in such efforts.
(2) The extent to which the Department of Transportation and other Federal agencies are working in line with recent recommenda-
tions from key resiliency reports, including the National Academies of Science study on strengthening supply chain resilience, to es-

tablish a framework for ports to follow to in-
crease resiliency to major weather-related disruptions before they happen.
(3) With which the Department of Transportation or other Federal agencies have provided funds to ports for resiliency-
related projects.
(4) The extent to which Federal agencies have a coordinated approach to helping ports and the multiple State, local, Tribal, and private stakeholders involved, to improve re-
siliency prior to weather-related disasters.
SEC. 3524. STUDY ON FOREIGN INVESTMENT IN SHIP-

(a) Assignment.—Subject to appropriation,
the Under Secretary of Commerce for Inter-
national Trade (referred to in this sec-
tion as the “Under Secretary”) in coordina-
tion with Maritime Administration, the Fed-
eral Maritime Commission, and other rele-
vant agencies shall conduct an assessment of subsidies, indirect state support, and other financial infrastructure or benefits provided by foreign states that control more than 1 percent of the world merchant fleet to entities or individuals building, owning, chartering, operating, or financing vessels not documented under the laws of the United States that are engaged in foreign com-
merce.
(b) Report.—Not later than 1 year after the date of enactment of this section, the Under Secretary shall submit to the appro-
priate committees of Congress, as defined in section 301 of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 133 Stat. 1858), a report on the results of the assessment conducted under subsection (a), including—
(1) the amount, in United States dollars, of such support provided by a foreign state de-
scribed in subsection (c)(1); and
(A) the amount, in United States dollars, of such support provided by a foreign state de-
scribed in subsection (c)(1); and
(B) the amount, in United States dollars, of such support provided by a foreign state de-
scribed in subsection (c)(1); and
(C) each ship on average, by ship type for cargo, tanker, and bulk;
(2) the amount, in United States dollars, of such support provided by a foreign state de-
scribed in subsection (a) to the shipping in-
dustry of another foreign state, including fa-

dorable financial arrangements for ship con-
struction;
(3) a description of the shipping industry activities of state-owned enterprises of a for-

eign state described in subsection (c)(1); and
(4) the description of the type of support pro-
vided by a foreign state described in sub-
section (a), including tax relief, direct pay-
ment, indirect support of state-controlled fi-
nancial entities, or other such support, as
determined by the Under Secretary; and
(5) a description of how the subsidies pro-
vided by a foreign state described in sub-
section (a) may be disadvantaging the com-
petitiveness of vessels documented under the laws of the United States that are engaged in foreign commerce and the national security of the United States.
(c) Definitions.—In this section:
(1) Foreign commerce.—The term “foreign commerce” means—
(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country;
(B) commerce or trade between foreign countries;
(C) commerce or trade within a foreign country;
(2) Foreign state.—The term “foreign state” has the meaning given the term in section 1603(a) of title 28, United States Code.
(3) Shipping industry.—The term “ship-
ning industry” means the construction, own-
ership, chartering, operation, or financing of vessels engaged in foreign commerce.
SEC. 3525. REPORT REGARDING ALTERNATE MAR-
INE FUEL BUNKERING FACILITIES AT PORTS—
(a) In General.—Not later than 1 year after the date of enactment of this title, the Maritime Administrator shall prepare the necessary port-related infrastructure needed to support bunkering facilities for liquefied natural gas, hydrogen, ammonia, or other new marine fuels under development. The Maritime Administrator shall publish the re-
port on a publicly available website.
(b) Contents.—The report described in sub-
section (a) shall include—
(1) information about the existing United States infrastructure, in particular the stor-
gage facilities, bunkering vessels, and trans-
fer systems to support bunkering facilities for liquefied natural gas, hydrogen, ammo-
nia, or other new marine fuels under develop-
ment;
(2) a review of the needed upgrades to United States infrastructure, including stor-
gage facilities, bunkering vessels, and trans-
fer systems, bunkering facilities for liquefied natural gas, hydrogen, ammonia, or other new marine fuels under development;
(3) an assessment of the estimated Govern-
ment investment in this infrastructure and the duration of that investment; and
(4) in consultation with relevant Federal agencies, information on the relevant Fed-
eral agencies that would oversee the permit-
ing and construction of bunkering facilities for liquefied natural gas, hydrogen, ammo-
nia, or other new marine fuels, as well as the Federal funding grants or formula programs that could be used for such marine fuels.
SEC. 3526. STUDY OF CYBERSECURITY AND NA-
TIONAL SECURITY THREATS POSED BY FOREIGN MANUFACTURED CRANES AT UNITED STATES PORTS—
The Administrator of the Maritime Adminis-
tration shall—
(1) conduct a study, in consultation with the Cybersecurity and Infrastructure Security Agency, the Secretary of Defense, and the Director of the Cybersecurity and Infrastructure Security Agency, to assess whether there are cyberse-
curity threats posed by foreign-manufactured cranes at United States ports;
(2) submit, not later than 1 year after the date of enactment of this title, an unclassi-
fied report on the study described in para-
graph (1) to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Armed Services of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Armed Services of the House of Representatives; and
(3) if determined necessary by the Admin-
istrator, the Secretary of Homeland Secu-
rity, or the Secretary Defense, submit a clas-
sified report on the study described in para-
graph (1) to the committees described in paragraph (2).
SEC. 3527. PROJECT SELECTION CRITERIA FOR INFRASTRUCTURE DEVELOP-
MENT PROGRAM—
Section 54301(a)(6) of title 46, United States Code, is amended by adding at the end the following:
“(C) CONSIDERATIONS FOR NONCONTIGUOUS STATES AND TERRITORIES.—In considering the criteria under subparagraphs (A)(ii) and (B)(ii) for selecting a project described in paragraph (3), in the case the proposed project is located in a noncontiguous State or territory, the Secretary may take into ac-

Subtitle D—Maritime Workforce
SEC. 3531. SENSE OF CONGRESS ON MERCHANT MARINE—
It is the sense of Congress that the United States Merchant Marine is a critical part of the national infrastructure of the United States, and the men and women of the United States Merchant Marine are essential workers.
SEC. 3532. ENSURING DIVERSE MARINER RE-
C R U T M E N T—
Not later than 6 months after the date of enactment of this section, the Secretary of Transportation shall develop and deliver to Congress a strategy to assist State maritime academies and the United States Merchant Marine Academy to encour-
age the participation of women and underrepresented communities in the next generation of the mariner workforce, including each of the following:
(1) Hispanic and Asian American.
(2) Hispanic and Latin.
(3) Asian.
(4) American Indian, Alaska Native, and Native Hawaiian.
(5) Pacific Islander.
SEC. 3533. LOW EMISSIONS VESSELS TRAINING—
(a) Development of Strategy.—The Sec-

C R O T R A N S P O R T A T I O N, in consultation with the United States Merchant Marine Academy, State maritime academies, civil-

L I A N N A U T I C A L S H O O L S , and the Secretary of Transportation, shall determine whether the strategies employed by the United States Merchant Marine Academy, State maritime academies, civil-

A L K A K I E A L A E R T I C S .
State citizen mariners sufficient to meet the operational requirements of low and zero emission vessels. Implementation of the strategy shall aim to increase the supply of trained United States citizen mariners sufficient to meet the needs of the maritime industry and ensure continued investment in training for mariners serving on conventional vessels.

(b) REPORT.—Not later than 6 months after the date the Secretary of Transportation determines that there is commercially viable technology for low and zero emission vessels, the Secretary of Transportation shall—

(1) submit a report on the strategy developed under subsection (a) and plans for its implementation to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) make such report publicly available.

SEC. 3534. IMPROVING PROTECTIONS FOR MIDSHIPMEN ACT.

(a) SHORT TITLE.—This section may be cited as the “Improving Protections for Midshipmen Act”.

(b) SUSPENSION OR REVOCATION OF MERCHANT MARINER CREDENTIALS FOR PERPETRATORS OF SEXUAL HARASSMENT OR SEXUAL ASSAULT.—

(1) IN GENERAL.—Chapter 77 of title 46, United States Code, is amended by inserting after section 7704 the following:

“§ 7704a. Sexual harassment or sexual assault as grounds for suspension or revocation

(a) SEXUAL HARASSMENT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner’s document issued under this part, within 10 years before the beginning of the suspension or revocation proceedings, is the subject of a substantiated claim of sexual harassment, then the license, certificate of registry, or merchant mariner’s document shall be suspended or revoked.

“(b) SEXUAL ASSAULT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner’s document issued under this part, within 20 years before the beginning of the suspension and revocation proceedings, is the subject of a substantiated claim of sexual assault, or sexual harassment and sexual assault addressed in titles 10 and title 18 to implement this section, consistent with descriptions of sexual harassment and sexual assault addressed in titles 10 and title 18 to implement this section.

(c) SUPPORTING THE UNITED STATES MERCHANT MARINE ACADEMY.—

(1) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by adding after the end the following:

“§ 51325. Sexual assault and sexual harassment prevention information management systems

(a) INFORMATION MANAGEMENT SYSTEM.—

“(1) IN GENERAL.—Not later than January 1, 2023, the Maritime Administrator shall establish an information management system to track and analyze, in such a manner that patterns can be reasonably identified, information regarding claims and incidents involving cadets that are reportable pursuant to subsection (d) of section 51318 of this chapter.

“(2) INFORMATION MAINTAINED IN THE SYSTEM.—Information maintained in the system shall include the following information, to the extent that information is available:

“A. The overall number of sexual assault or sexual harassment incidents per fiscal year.

“B. The location of each such incident, including vessel name and the name of the company operating the vessel, if applicable.

“C. The nature of the incident.

“(d) DEFINITIONS.—

“(1) The term ‘sexual harassment’ means any of the following:

“A. Conduct that—

“(I) involves unwelcome sexual advances, requests for sexual favors, or deliberate or repeated offensive comments or gestures of a sexual nature, when—

“(I) submission to such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay, or career;

“(II) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person;

“(III) such conduct has the purpose or effect of unreasonably interfering with a person’s work performance or creates an intimidating, hostile, or offensive working environment; or

“(IV) conduct may have been by a person’s supervisor, a supervisor in another area, a co-worker, or another credentialed mariner; and

“(II) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

“(B) Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a subordinate.

“(C) Any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature by any fellow employee of the complainant.

“(D) Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a subordinate.

“(E) Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a subordinate.

“(f) PRIVACY PROTECTIONS.—The Maritime Administrator shall create a process to ensure that if any incident report results in a final agency action or final judgment that acquires an individual or wrongfully exposes personally identifiable information about the acquitted individual is removed from that incident report in the system.

“(g) REPORT.—Not later than January 1, 2023, the Maritime Administrator shall provide for the establishment of in-person and virtual confidential exit interviews, to be conducted by personnel who are not involved in the assignment of the midshipmen to a Sea Year vessel, for midshipmen from the Academy upon completion of Sea Year and following completion by the midshipmen of the survey under section 5122(d).

“(h) DATA-INFORMED DECISIONMAKING.—The data maintained in the data management system under subsection (a) shall be affirmatively referenced and used to inform the creation of new policy or regulation, or changes to any existing policy or regulation, in the areas of sexual harassment, dating violence, domestic violence, sexual assault, and stalking.

“§ 51326. Student advisory board at the United States Merchant Marine Academy

“(a) IN GENERAL.—The Maritime Administrator shall establish at the United States Merchant Marine Academy an advisory board, known as the Advisory Board to the Secretary of Transportation (referred to in this section as the ‘Advisory Board’).

“(b) MEMBERSHIP.—The Advisory Board shall be composed of not fewer than 12 midshipmen of the Merchant Marine Academy who are enrolled at the Merchant Marine Academy at the time of the appointment, including not fewer than 3 cadets from each category.

“(c) APPOINTMENT. TERM.—Midshipmen shall serve on the Advisory Board pursuant to term of membership by the Maritime Administrator. Appointments shall be made not later than 60 days after the date of the swearing in of a new class of midshipmen at the Academy. Appointments shall be for a term of membership of a midshipmen on the Advisory Board shall be 1 academic year.
“(d) REAPPOINTMENT.—The Maritime Administration may reappoint not more than 6 cadets from the previous term to serve on the Advisory Board for an additional academic year. The Maritime Administrator determines such reappointment to be in the best interests of the Merchant Marine Academy.

(e) MEETINGS.—The Advisory Board shall meet with the Secretary of Transportation not less than once each academic year to discuss the activities of the Advisory Board. The Advisory Board shall meet in person with the Maritime Administrator at least 2 times each academic year to discuss the activities of the Advisory Board.

(f) WORKING GROUPS.—The Advisory Board shall—

(1) identify health and wellbeing, diversity, and sexual assault and harassment challenges and other topics considered important by the Advisory Board facing midshipmen at the Merchant Marine Academy off-campus, and while aboard ships during Sea Year or other training opportunities;

(2) discuss and propose possible solutions, including improvements to culture and leadership development at the Merchant Marine Academy; and

(3) periodically review the efficacy of the program in section 51325(b), as appropriate, and provide recommendations to the Maritime Administrator for improvement.

(g) WORKING GROUPS.—The Advisory Board may establish one or more working groups to assist the Advisory Board in carrying out its duties, including working groups composed in part of midshipmen at the Merchant Marine Academy who are not current members of the Advisory Board.

§ 51327. Sexual Assault Advisory Council

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Sexual Assault Advisory Council (in this section referred to as the ‘Council’).

(b) Members.—The Council shall consist of:

(1) IN GENERAL.—The Council shall be composed of not fewer than 8 and not more than 14 individuals selected by the Secretary of Transportation on the basis of their knowledge and experience regarding sexual assault prevention and response policies in an academic setting.

(2) EXPERTS INCLUDED.—The Council shall include—

(A) not less than 1 member who is licensed in the field of mental health and has prior experience working as a counselor or therapist providing mental health care to survivors of sexual assault in a victim services agency or organization; and

(B) not less than 1 member who has prior experience developing or implementing sexual assault or sexual harassment prevention and response policies in an academic setting.

(3) RULES REGARDING MEMBERSHIP.—No employee of the Department of Transportation or the Governor of the District of Columbia may serve on the Council.

(4) DUTIES.—The Council shall—

(A) establish, in consultation with relevant mental health professionals and midshipmen, both on-campus and during Sea Year;

(B) establish a tracking system for suicidal ideation and suicide among midshipmen, which excludes personally identifiable information;

(C) create an option for midshipmen to obtain assistance from a professional care provider virtually; and

(D) require an annual survey of faculty and staff assessing the adequacy of mental health resources for midshipmen of the Academy, both on campus and during Sea Year.

(2) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of this section, the Maritime Administrator shall provide Congress with a report on the resources necessary to properly implement this subsection.

(b) SPECIAL VICTIMS ADVISOR.—Section 51319 of title 46, United States Code, is amended—

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

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

(1) IN GENERAL.—The Secretary shall designate an attorney (to be known as the ‘Special Victims Advisor’) for the purpose of providing legal assistance to any cadet of the Academy who is the victim of an alleged sex-related offense regarding administrative and criminal proceedings related to such offense, regardless of whether the report of that offense is restricted or unrestricted.

(2) SPECIAL VICTIMS ADVISOR.—The Secretary shall ensure that the attorney designated as the Special Victims Advisor has knowledge of the Uniform Code of Military Justice, as well as criminal and civil law.

(3) PRIVILEGED COMMUNICATIONS.—Any communications between the Special Victims Advisor and an alleged sex-related offense and the Special Victims Advisor, when acting in their capacity as such, shall have the same protection that applies to legal communications with confidential attorney-client communications.

(4) UNFILLED VACANCIES.—The Administrator of the Maritime Administration may appoint qualified candidates to positions under subsections (a) and (d) of this section without regard to sections 3309 through 3319 of title 5.

(1) CATCH A SERIAL OFFENDER ASSESSMENT.

(1) ASSESSMENT.—Not later than one year after the date of enactment of this section, the Commandant of the Coast Guard, in coordination with the Maritime Administrator, shall conduct an assessment of the feasibility and process necessary, and appropriate responsible entities to establish a program for the United States Merchant Marine Academy and United States Merchant Marine Academy and United States Code, and the exit interviews under subsection (b) of this section.
SEC. 3536. MARITIME TECHNICAL ADVANCEMENT ACT.

(a) SHORT TITLE.—This section may be cited as the “Maritime Technical Advancement Act.”

(b) CENTERS OF EXCELLENCE FOR DOMESTIC MARITIME WORKFORCE.—Section 51706 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “of Transportation”; 

(2) in subsection (b), in the subsection heading, by striking “ASSISTANCE,” and inserting “Cooperative Agreements”; 

(3) by redesignating subsection (c) as subsection (d); 

(4) in subsection (d), as redesignated by paragraph (2), by adding at the end the following:

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation;” and

(5) by inserting after subsection (b) the following:

“(c) GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Maritime Administration. 

(B) ELIGIBLE INSTITUTION.—The term ‘eligible institution’ means an institution that has a demonstrated record of success in training and has—

(i) a postsecondary educational institution (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2902)) that offers a 2-year program of study or a 1-year program of training; 

(ii) a postsecondary vocational institution (as defined under section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 10202(c));

(iii) a public or private nonprofit entity that offers 1 or more other structured experiential learning training programs for American workers in the United States maritime industry, including a program that is offered by a labor organization or conducted in partnership with a nonprofit organization or 1 or more employers in the maritime industry; or 

(iv) an entity sponsoring a registered apprenticeship program.

(C) REGISTERED APPRENTICESHIP PROGRAM.—The term ‘registered apprenticeship program’ means an apprenticeship program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor or a State apprenticeship agency recognized by the State apprenticeship agency pursuant to the Office of Apprenticeship pursuant to the Apprenticeship Standards Act (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2902));

(D) UNITED STATES MARITIME INDUSTRY.—

(i) vessel construction and repair; 

(ii) vessel operations; 

(iii) ship logistics supply; 

(iv) berthing; 

(v) port operations; 

(vi) port intermodal operations; 

(vii) marine terminal operations; 

(viii) vessel design; 

(ix) vessel crew; 

(x) marine insurance; 

(xii) chartering; 

(xiii) marine-oriented supply chain operations; 

(xiv) offshore industry; 

(xv) offshore wind construction, operation, and repair; and 

(xvi) maritime-oriented research and development.

(2) GRANT AUTHORIZATION.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Maritime Technical Advancement Act of 2022, the Administrator shall award maritime career training grants to eligible institutions for the purpose of developing, offering, or implementing educational or career training programs for American workers related to the maritime workforce.

(B) GUIDELINES.—Not later than 1 year after the date of enactment of the Maritime Technical Advancement Act of 2022, the Administrator shall—

(i) promulgate guidelines for the submission of grant proposals under this subsection; and

(ii) provide a description on the website of the Maritime Administration.

(3) LIMITATIONS.—The Administrator may not award a grant under this subsection in an amount that is more than $12,000,000.

(4) REQUIRED INFORMATION.—

(A) IN GENERAL.—An eligible institution that desires to receive a grant under this subsection shall submit to the Administrator a grant proposal that includes a detailed description of—

(i) the specific project for which the grant proposal is submitted, including the manner in which the grant will be used to develop, offer, or implement educational or career training programs that is suited to maritime industry workers;

(ii) the extent to which the project for which the grant proposal is submitted will meet the educational or career training needs of maritime workers in the community served by the eligible institution, particularly any individuals with a barrier to employment; 

(iii) the extent to which the project for which the grant proposal is submitted fits within any overall strategic plan developed by an eligible institution; 

(iv) any previous experience of the eligible institution in providing maritime educational or career training programs; 

(v) any best practices that may be shared with other eligible institutions in an effort to benefit from the experience; 

(vi) the extent to which the project for which the grant proposal is submitted will contribute to meeting any shortcomings identified under clause (i)(I)(aa) or any maritime educational or career training needs identified under clause (i)(bb); and

(B) COMMUNITY OUTREACH REQUIRED.—

(aa) any shortcomings in existing maritime educational or career training programs; 

(bb) any previous experience of the eligible institution in providing maritime educational or career training programs; 

(cc) any barriers to employment; and

(dd) any best practices that may be shared with other eligible institutions in an effort to benefit from the experience.
“(III) the extent to which employers, including small- and medium-sized firms within the community, have expressed an interest in employing workers who would benefit from training for which the grant proposal is submitted.

“(5) CRITERIA FOR AWARD OF GRANTS.—Subject to the appropriation of funds, the Administrator shall award grants under this subsection based on—

“(A) a determination of the merits of the grant proposal submitted by the eligible institution; and

“(B) the extent of the likely employment opportunities available to workers who complete a maritime educational or career training program that the eligible institution proposes to develop, offer, or improve.

“(C) an evaluation of priority demand for training programs by workers in the community served by the eligible institution, as well as the availability and capacity of existing maritime training programs to meet future demand for training programs;

“(D) any prior designation of an institution as a Center of Excellence for Domestic Maritime Workforce Training and Education; and

“(E) an evaluation of the previous experience of the eligible institution in providing maritime educational or career training programs.

“Sec. 3537. STUDY ON CAPITAL IMPROVEMENT PROGRAM AT THE USMMA.

“(a) FINDINGS.—Congress finds the following:

“(1) The United States Merchant Marine Academy campus is nearly 80 years old and many of the buildings have fallen into a serious state of disrepair.

“(2) Except for renovations to student barracks in the early 2000s, all of the buildings on campus have exceeded their useful life and need to be replaced or undergo major renovations.

“(3) According to the Maritime Administration, since 2011, $234,000,000 has been invested in capital improvements on the campus, but partly due to poor planning and cost overruns, maintenance and building replacement backlogs continue.

“(b) STUDY.—The Comptroller General shall conduct a study of the United States Merchant Marine Academy Capital Improvement Program. The study shall include an evaluation of—

“(1) the actions the United States Merchant Marine Academy has taken to bring the buildings, infrastructure, and other facilities on campus up to standards and the further actions that are required to do so;

“(2) how the approach that the United States Merchant Marine Academy uses to manage its capital assets meets leading practices;

“(3) how cost estimates prepared for capital asset projects meet cost estimating leading practices;

“(4) whether the United States Merchant Marine Academy has adequate staff who are trained to identify needed capital projects, estimate the cost of those projects, perform building maintenance, and manage capital improvement projects; and

“(5) how the United States Merchant Marine Academy identifies and prioritizes capital construction needs, considers equity relative to the safety, education, and wellbeing of midshipmen.

“(c) REPORT.—Not later than 18 months after the date of enactment of this section, the Comptroller General shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of the study under this section.
(1) not later than 180 days after the date of enactment of this section, initiate an audit of the Maritime Administration’s actions to address only recommendations 4.1 through 4.3, 4.4 through 4.6, 5.1 through 5.3, 5.5, 5.7, 5.11, 5.14, 5.15, 5.16, 6.1 through 6.4, 6.6, and 6.7, identified by a National Academy of Public Administration panel in the November 2021 report entitled “Public Administration” and not listed in subsection (a); and

(b) release publicly, and submit to the appropriate committees of Congress, a report containing the results of the audit described in paragraph (1) once the audit is completed.

(c) as subsection (d); and

(d) by striking subsection (f);

(2) in subsection (b), as redesignated by paragraph (4) of this section, by striking “with other Federal agencies or eligible entities for projects in the United States” and inserting “eligible entities.”;

(3) by inserting after paragraph (3), as redesignated by paragraph (4) of this section—

(i) by striking “academic, public, private, and nonprofit entities” and inserting “eligible entities”; and

(ii) by striking “and” and all that follows through the end of the sentence and inserting “eligible entities.”;

(E) in paragraph (5), by redesigning paragraphs (1) through (4), renumbering paragraphs (5) through (d) as paragraphs (2) through (4), respectively and adjusting the margins accordingly;

(F) in paragraph (6), as redesignated by paragraph (4) of this section—

(i) by striking “or support” after “engage” in;

(ii) by striking “with other Federal agencies or eligible entities” and inserting “eligible entities”;

(g) by redesigning paragraphs (1) through (4), renumbering paragraphs (5) through (d) as paragraphs (2) through (4), respectively and adjusting the margins accordingly;

(h) by striking subsections (b) through (d) as paragraphs (2) through (4), renumbering paragraphs (5) through (d) as paragraphs (2) through (4), respectively and adjusting the margins accordingly;

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

“(3) if the vessel is a catcher processor or fish processing vessel with more than 25 crew members, the crew member be served not less than 3 meals a day that total not less than 3,100 calories, including adequate water and minerals in accordance with the United States Recommended Daily Allowances; and”.

Subtitle E—Technology Innovation and Resilience

SECTION 3541. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE PROGRAM.

Section 50307 of title 46, United States Code, is amended—

(1) by striking the subsection (a) enu-

merator and all that follows through “Trans-

portation” and inserting the following:

“(a) EMERGING MARINE TECHNOLOGIES AND PRACTICES.

“(1) IN GENERAL.—The Secretary of Trans-

portation;”

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by redesigning subparagraphs (A) through (D) as clauses (1) through (4), re-

numbering paragraphs (5) through (d) as paragraphs (2) through (4), respectively and adjusting the margins accordingly; and

(ii) by striking clause (1), by striking “propeller cavitation” and in-

serting “incidental underwater noise, such as noise from propeller cavitation or hydrodynamic flow”;

(B) by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B), respectively and adjusting the margins accordingly;

(3) in subsection (c), by redesigning para-

graphs (1) and (2) as subparagraphs (A) and (B), respectively and adjusting the margins accordingly;

(4) by redesigning subsections (b) through (d) as paragraphs (2) through (4), re-

numbering paragraphs (5) through (d) as paragraphs (2) through (4), respectively and adjusting the margins accordingly;

(5) by redesigning subsection (e) as sub-

section (b); and

(6) by striking subsection (f);

(7) in subsection (a)—

(A) in paragraph (1), as designated under paragraph (1) of this section—

(i) by inserting “or support” after “engage” in;

(ii) by striking “the use of public” and all that follows through the end of the sentence and inserting “eligible entities.”;

(B) in paragraph (2), as redesignated under paragraph (4) of this section—

(i) by striking the “and” in;

(ii) by striking “or improve” and inserting “and”;

(iii) by striking “and” and all that follows through the end of the sentence and inserting “and”;

(iv) by striking “or support” after “engage” in;

(C) in paragraph (3), as redesignated by paragraph (4) of this section, by striking “under subsection (b) may include” and inserting “and”;

(D) in paragraph (4), as redesignated by paragraph (4) of this section—

(i) by striking “academic, public, private, and nonprofit entities and facilities” and inserting “eligible entities”;

(ii) by inserting “or” after “engage” in;

(iii) by striking “with other Federal agencies or with State, local, or Tribal governments, as appropriate, under paragraph (2)(B) may include” and inserting “and”;

(iv) by striking “or support” after “engage” in;

(E) by striking “and” and all that follows through the end of the sentence and inserting “or support” after “engage” in;

(F) in paragraph (5), by redesigning paragraphs (1) through (4), renumbering paragraphs (5) through (d) as paragraphs (2) through (4), respectively and adjusting the margins accordingly;

(S) by striking paragraphs (1) through (4), respectively and adjusting the margins accordingly;

(T) in paragraph (6), as redesignated by paragraph (5) of this section, by striking...
subsection (b)(1)" and inserting "this section"; and
(9) by adding at the end the following:

"(c) VESSELS.—Activities carried out under a cooperative agreement made under this section may be conducted on public vessels under the control of the Maritime Administration, upon approval of the Maritime Administrator.

"(d) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

(1) a private entity, including a nonprofit organization;

(2) a State, regional, or local government or entity, including special districts;

(3) an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 3364) or a consortium of Indian Tribes;

(4) an institution of higher education as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); or

(5) a partnership or collaboration of entities described in paragraphs (1) through (3).

"(e) CENTER FOR MARITIME INNOVATION.—

(1) In GENERAL.—Not later than 1 year after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2023, the Secretary of Transportation shall, in consultation with the Secretary of Commerce, establish a United States Center for Maritime Innovation (referred to in this subsection as the 'Center') to support the study, research, development, assessment, and deployment of emerging marine technologies and practices related to the maritime transportation system.

(2) SELECTION.—The Center shall be—

(A) selected through a competitive process of eligible entities;

(B) based in the United States with technical expertise in emerging marine technologies and practices related to the maritime transportation system; and

(C) proximate to eligible entities with expertise in United States emerging marine technologies and practices, including the use of alternative fuels and the development of both vessel and shoreside infrastructure.

"(3) COORDINATION.—The Secretary of Transportation shall coordinate with other agencies, such as the National Science Foundation, and the Coast Guard, when establishing the Center.

"(4) FUNCTIONS.—The Center shall—

(A) provide eligible entities regarding the development and use of clean energy and necessary infrastructure to support the deployment of clean energy on vessels of the United States;

(B) monitor and assess, on an ongoing basis, the current state of knowledge regarding emerging marine technologies in the United States;

(C) identify any significant gaps in emerging marine technologies research specific to the United States maritime industry, and seek to fill those gaps;

(D) conduct research, development, testing, and evaluation for equipment, technologies, and techniques to address the components of subsection (a)(2); and

(E) provide—

(i) guidance on best available technologies;

(ii) technical analysis;

(iii) assistance with understanding complex regulatory requirements; and

(iv) documentation of best practices in the maritime industry; and informational webinars on solutions for complex regulatory requirements; and

(f) work with academic and private sector response training centers and Domestic Maritime Workforce Training and Education Centers of Excellence to develop maritime strategies applicable to various segments of the United States maritime industry, including the inland, deep water, and coastal fleets.

SEC. 3542. STUDY ON STORMWATER IMPACTS ON SALMON.

(a) In GENERAL.—Not later than 90 days after the date of enactment of this section, the Administrator of the National Oceanic and Atmospheric Administration, in concert with the Secretary of Transportation and the Administrator of the Environmenal Protection Agency, and in consultation with the Director of the United States Fish and Wildlife Service, shall commence a study that—

(1) examines the existing science on tire-related chemicals in stormwater runoff at ports and the impacts of such chemicals on Pacific salmon and steelhead;

(2) examines the challenges of studying tire-related chemicals in stormwater runoff at ports and the impacts of such chemicals on Pacific salmon and steelhead;

(3) provides recommendations for improving monitoring of stormwater and research related to run-off for tire-related chemicals and the impacts of such chemicals on Pacific salmon and steelhead at ports; and

(4) provides recommendations based on the best available science on relevant management approaches at ports under their respective jurisdictions.

(b) SUBMISSION OF STUDY.—Not later than 18 months after commencing the study under subsection (a), the Administrator of the National Oceanic and Atmospheric Administration, in concert with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, and in consultation with the Director of the United States Fish and Wildlife Service, and the Committee on Transportation and Infrastructure of the House of Representatives, including detailing any findings from the study; and

(c) MAKE SUCH STUDY PUBLICLY AVAILABLE.

SEC. 3543. STUDY TO EVALUATE EFFECTIVE VESSEL-TO-PORT TECHNOLOGY-BASED CONTROLS.

(a) In GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator of the Maritime Administration, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere and the Secretary of the Department in which the Coast Guard is operating, shall submit to the committees identified under subsection (b), and make publicly available on the website of the Department of Transportation, a report that includes, at a minimum—

(1) a review of technology-based controls and best management practices for reducing vessel-generated underwater noise; and

(2) for each technology-based control and best management practice identified, an evaluation of—

(A) the applicability of each measure to various vessel types;

(B) the technical feasibility and economic achievability of each measure; and

(C) the co-benefits and trade-offs of each measure.

(b) COMMITTEES.—The report under subsection (a) shall be submitted to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 6445. Mr. REED (for Mr. MENENDEZ) submitted an amendment intende
information that the detention of a United States national abroad is unlawful or wrongful, and regardless of whether the detention is by a foreign government or a nongovernmental actor, the Secretary shall—

(A) expeditiously transfer responsibility for such case from the Bureau of Consular Affairs of the Department of State to the Special Envoy for Hostage Affairs; and

(B) not later than 14 days after such determination, notify the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives of such determination and provide such committees with a summary of the facts that led to such determination.

(2) FORM.—The notification described in paragraph (1)(B) may be classified, if necessary.

SEC. 5103. FAMILY ENGAGEMENT COORDINATOR.

Section 383 of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741a) is amended by adding the following:

(d) FAMILY ENGAGEMENT COORDINATOR.—There shall be, in the Office of the Special Envoy for Hostage Affairs, a Family Engagement Coordinator, who shall ensure—

(1) for a United States national unlawfully or wrongfully detained abroad, that—

(A) any interaction by executive branch officials with any family member of such United States national occurs in a coordinated fashion; and

(B) each family member receives consistent and accurate information from the United States Government; and

(C) appropriate coordination with the Family Engagement Coordinator described in section 394(c)(2); and

(2) for a United States national held hostage abroad, that any engagement with a family member is coordinated with, consistent with, and not duplicative of the efforts of the Family Engagement Coordinator described in section 394(c)(2).

SEC. 5104. REWARDS FOR JUSTICE.

Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended—

(1) in paragraph (4), by striking “or (10);” and inserting “(10), or (14);”;

(2) in paragraph (12), by striking “or” at the end; and

(3) in Paragraph (13), by striking the period at the end and inserting “; or”;

and by adding at the end the following:

(14) the prevention, frustration, or resolution of the hostage taking of a United States person, the identification, location, arrest, or conviction of a person responsible for the hostage taking of a United States person, or the location of a United States person who has been hostage, in any country.

SEC. 5105. ENSURING GEOGRAPHIC DIVERSITY AND ACCESSIBILITY OF PASSPORT AGENCIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that Department initiatives to expand passport services and accessibility, including through online modernization projects, should include the construction of new passport agencies.

(b) REVIEW.—The Secretary shall conduct a review of the geographic diversity and accessibility of existing passport agencies to identify—

(1) the geographic areas in the United States that are farther than 6 hours’ driving distance from the nearest passport agency;

(2) the geographic location of passport services in the areas described in paragraph (1); and

(3) a plan to ensure that in-person services at physical passport agencies are accessible to all eligible Americans, including Americans living in large population centers, in urban areas with a high per capita demand for passport services.

(c) CONSIDERATIONS.—The Secretary shall consider the metrics identified in paragraphs (1) and (2) when determining locations for the establishment of new physical passport agencies.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Foreign Relations of the Senate, the Committees on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that contains the findings of the review conducted pursuant to subsection (b).

SEC. 5106. CULTURAL ANTIQUITIES TASK FORCE.

The Secretary is authorized to use up to $1,000,000 for grants to carry out the activities of the Cultural Antiquities Task Force.

SEC. 5107. BRIEFING ON “CHINA HOUSE”.

Not later than 90 days after the date of the enactment of this Act, the Secretary shall brief the appropriate congressional committees regarding the ongoing support that the Department provides to the China House organization.

SEC. 5108. OFFICE OF SANCTIONS COORDINATION.

(a) EXTENSION OF AUTHORITIES.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2631a) is amended, in paragraph (4)(B) of subsection (1), as redesignated by section 5502(a)(2) of this Act, by striking “the date that is two years after the date of the enactment of this subsection” and inserting “December 31, 2024”.

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees with respect to the steps that the Office of Sanctions Coordination has taken to coordinate its activities with the Department of the Treasury and the Office of Foreign Sanctions Regulations.

SEC. 5201. DEPARTMENT OF STATE PAID STUDENT INTERNSHIP PROGRAM.

(a) IN GENERAL.—The Secretary shall establish the Department of State Internship Program referred to in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(b) ELIGIBILITY.—An applicant is eligible to participate in the Program if the applicant—

(1) is enrolled at least half-time at—

(A) an institution of higher education (as such term is defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a))); or

(B) an institution of higher education based outside the United States, as determined by the Secretary of State; and

(2) is participating in an internship program if the Secretary, not later than 30 days after receiving an application for the Secretary’s approval of such internship program, determines that the internship program is not consistent with effective management of the United States foreign policy objectives.

(c) REIMBURSEMENT.—The Secretary shall—

(1) provide a student participating in the Program with reimbursement to the extent that is sufficient to cover the travel costs and living expenses of such student if the location of the internship in which such student is participating is more than 50 miles away from such student’s permanent address;

(2) provide a student participating in the Program whose permanent address is within the United States with financial assistance that is sufficient to cover the travel costs and living expenses of such student if the location of the internship in which such student is participating is more than 50 miles away from such student’s permanent address;

(3) conduct targeted outreach to encourage participation in the Program from students enrolled at minority-serving institutions which (i) the Secretary designates as part of the Virtue, Virtual Student Federal Service internships program; and

(4) conduct targeted outreach to encourage participation in the Program from students enrolled at minority-serving institutions which (ii) the Committee on Appropriations of the House of Representatives designates as part of the Virtue, Virtual Student Federal Service internships program.

(d) INCLUSION.—The Secretary shall ensure that the Program includes—

(1) individuals belonging to an underrepresented group; and

(2) students enrolled at minority-serving institutions (which shall include any institution that contains any institution that is designated by the Secretary of Education pursuant to section 1067q(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(e) COORDINATION.—The Secretary shall coordinate the Program with the Department’s Diplomats in Residence program and the Department’s Diplomats in Residence program.

(f) WORKING WITH INSTITUTIONS OF HIGHER EDUCATION.—The Secretary, to the maximum extent practicable, shall structure internships to ensure that such internships satisfy criteria for academic credit at the institutions of higher education in which participants in such internships are enrolled.

(g) TRANSITION PERIOD.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), beginning not later than 2 years after the date of the enactment of this Act—

(A) the Secretary shall convert unpaid internships of the Department, including the Virtue, Virtual Student Federal Service internships program, to internship programs that offer compensation; and

(B) upon selection as a candidate for entry into an internship program if the Secretary of State, in consultation with the appropriate congressional committees, determines that the selection of such candidate is consistent with the essential role of diplomacy in the conduct of United States foreign policy and the realization of United States foreign policy objectives.

(2) EXCEPTION.—The transition required under paragraph (1) shall not apply to unpaid internships of the Department that are part of the Department’s Diplomats in Residence program.

(3) WAIVER.—The Secretary may grant a waiver with respect to a particular internship program if the Secretary—

(A) determines that the program is consistent with effective management of the United States foreign policy objectives; and

(B) submits a report explaining such determination to—

(i) the appropriate congressional committees; and

(ii) the Committee on Appropriations of the Senate; and

(iii) the Committee on Appropriations of the House of Representatives.

SEC. 5202. HOMELAND SECURITY SENSING PROGRAM.

(a) IN GENERAL.—The Secretary, to the maximum extent practicable, shall—

(1) enhance the ability of the Department to conduct effective surveillance of foreign embassies and consulates located in the United States; and

(2) enhance the ability of the Department to avert terrorist activities.

(b) NOTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide a student participating in the Program with non-personal contact information for the Department’s Diplomats in Residence program.
(B) REPORT.—The report required under subparagraph (A) shall—

(i) describe the reasons why converting an unpaid internship program of the Department to an internship program that offers compensation would not be consistent with effective management goals; and

(ii) provide justification for maintaining such an unpaid program.

(2) IN GENERAL.—Nothing in this section shall be subject to the provisions of law governing appointments to the excepted service; and

(b) REQUIREMENTS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate committees of Congress in accordance with subsection (g)(3)(A) that includes—

(A) the data, to the extent the collection of such information is permissible by law, regarding the number of students who applied to the Program, were offered a position, and participated, respectively, disaggregated by race, ethnicity, sex, institution of higher education, home State, State where each student graduated from high school, and disability status;

(B) data regarding the number of security clearance investigations initiated for the students described in paragraph (1), including the timeline for such investigations, whether such investigations were completed, and when an interim security clearance was granted;

(C) information on Program expenditures; and

(D) information regarding the Department’s compliance with subsection (g).

(1) VOLUNTARY PARTICIPATION.—Nothing in this section may be construed to compel any student who is a participant in an internship program of the Department to participate in the collection of the data required under subparagraph (A).

(2) EMPLOYMENT TARGETS.—The Secretary shall seek to increase the number of personnel within the Bureau of Global Talent Management and the Office of Civil Rights to address backlogs in hiring and investigations into complaints conducted by the Office of Civil Rights.

(b) EMPLOYMENT TARGETS.—The Secretary shall seek to employ—

(1) not fewer than 15 additional personnel in the Bureau of Global Talent Management and the Office of Civil Rights (compared to the number of personnel so employed as of the day before the date of the enactment of this Act) by the date that is 90 days after such date of enactment; and

(2) not fewer than 15 additional personnel in such Bureau and Office (compared to the number of personnel so employed as of the day before the date of the enactment of this Act) by the date that is 1 year after such date of enactment.

(c) ADDITIONAL PERSONNEL TO ADDRESS BACKLOGS IN HIRING AND INVESTIGATIONS.

(A) IN GENERAL.—The Secretary shall seek to—

(i) increase the number of personnel within the Bureau of Global Talent Management and the Office of Civil Rights to address backlogs in hiring and investigations into complaints conducted by the Office of Civil Rights.

(ii) increase relevant offerings provided by the Department to make training and professional development more accessible and useful to personnel deployed throughout the world;

(iii) provide additional personnel to the Department to provide emergency food, shelter, clothing, and transportation for victims involved in matters being investigated by the Diplomatic Security Service;

(iv) update the ''Grounds for Disciplinary Action'' and ''List of Disciplinary Offenses'' sections of the Foreign Affairs Manual to reflect the amendments made under paragraph (1); and

(v) develop programs that use the Department staff through publication in Department Notices.

(b) PLACEMENT.—The Secretary shall ensure that the Diplomatic Security Service’s Victim Resource Advocacy Program—

(A) is appropriately staffed by advocates who are physically present at—

(i) the headquarters of the Department; and

(ii) the offices of the Department where there are at least 150 employees;

(B) provides training for advocates and other Department employees involved in matters being investigated by the Diplomatic Security Service;

(C) provides training for advocates and other Department employees involved in matters being investigated by the Bureau of Global Talent Management;

(D) establishes new protocols for the Department to address harassment, discrimination, and sexual assault by Department employees; and

(E) establishes new protocols for the Department to address the harassment, discrimination, and sexual assault of non-Department employees.

(c) STIMULATING GROWTH THROUGH DIVERSITY AND INCLUSION.—Nothing in this section shall be construed to encourage the removal of any compensated intern employment pursuant to paragraph (1) without regard to the provisions of law governing appointments to the competitive excepted service.

SEC. 5202. IMPROVEMENTS TO THE PREVENTION OF HARASSMENT, DISCRIMINATION, SEXUAL ASSAULT, AND RELATED RETALIATION.

(a) POLICIES.—The Secretary should develop and strengthen policies regarding harassment, discrimination, sexual assault, and related retaliation, including policies for—

(i) addressing, reporting, and providing transition support;

(ii) advocacy, service referrals, and travel accommodations; and

(iii) disciplining any individuals who violate Department policies regarding harassment, discrimination, sexual assault, or related retaliation.

(b) DISCIPLINARY ACTION.—

(1) SEPARATION FOR CAUSE.—Section 610(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(1)), is amended—

(A) by striking “decide to”; and

(B) by inserting “upon receiving notification from the Bureau of Diplomatic Security that such member has engaged in criminal misconduct, such as murder, rape, or other serious violent crime, or similar conduct, including conduct that results in the death of another person”;

(2) RETENTION OF THE RIGHT TO DISMISS.—Section 504(e)(3) of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d(e)(3)) is amended by striking “five hundred and fifty thousand” and inserting “two hundred thousand.”

SEC. 5203. INCREASING THE MAXIMUM AUTHORIZED FOR SCIENCE AND TECHNOLOGY FELLOWSHIP GRANTS AND COOPERATIVE AGREEMENTS.

Section 504(e)(3) of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d(e)(3)) is amended by striking “$500,000” and inserting “$2,000,000.”

SEC. 5204. ADDITIONAL PERSONNEL TO ADDRESS BACKLOGS IN HIRING AND INVESTIGATIONS.

(a) IN GENERAL.—The Secretary shall seek to increase the number of personnel within the Bureau of Global Talent Management and the Office of Civil Rights to address backlogs in hiring and investigations into complaints conducted by the Office of Civil Rights.

(b) EMPLOYMENT TARGETS.—The Secretary shall seek to employ—

(1) not fewer than 15 additional personnel in the Bureau of Global Talent Management and the Office of Civil Rights (compared to the number of personnel so employed as of the day before the date of the enactment of this Act) by the date that is 90 days after such date of enactment; and

(2) not fewer than 15 additional personnel in such Bureau and Office (compared to the number of personnel so employed as of the day before the date of the enactment of this Act) by the date that is 1 year after such date of enactment.

(b) ADDITIONAL PERSONNEL TO ADDRESS BACKLOGS IN HIRING AND INVESTIGATIONS.

(a) IN GENERAL.—In keeping with the Department’s mission to prepare and empower officers to effectively manage programs and which demand continual, high-quality training and education, the Secretary shall—

(i) address, report, and provide transition support; and

(ii) develop and strengthen policies for—

(A) addressing, reporting, and providing transition support; and

(B) advocacy, service referrals, and travel accommodations.

(b) DISCIPLINARY ACTION.—

(1) SEPARATION FOR CAUSE.—Section 610(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(1)), is amended—

(A) by striking “decide to”; and

(B) by inserting “upon receiving notification from the Bureau of Diplomatic Security that such member has engaged in criminal misconduct, such as murder, rape, or other serious violent crime, or similar conduct, including conduct that results in the death of another person”.

(2) RETENTION OF THE RIGHT TO DISMISS.—Section 504(e)(3) of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d(e)(3)) is amended by striking “five hundred and fifty thousand” and inserting “two hundred thousand.”
climatic and non-climatic shocks and stresses.

(d) FELLOWSHIPS.—The Director General of the Foreign Service shall—

(1) establish new fellowship programs for Foreign Service and Civil Service officers that include short- and long-term opportunities at organizations, including—

(A) think tanks and nongovernmental organizations;
(B) the Department of Defense and other relevant agencies;
(C) industry entities, especially such entities related to technology, global operations, finance, and other fields directly relevant to international affairs;
(D) schools of international relations and other relevant programs at universities throughout the United States; and

(2) not later than 180 days after the date of the enactment of this Act, submit a report to Congress that describes how the Department could expand the Pearson Fellows Program for Foreign Service Officers and the Brookings Fellow Program for Civil Servants to provide fellows in such programs with the opportunity to undertake a fellowship assignment within the Department in an office in which fellows will gain practical knowledge of the people and processes of Congress and offices other than the Legislative Affairs Bureau, including—

(A) an assessment of the current state of congressional fellowships, including the demand for and the value the fellowships provide to both the career of the officer and to the Department; and

(B) an assessment of the options for making congressional fellowships for both the Foreign and Civil Services more career-enhancing.

(e) BOARD OF VISITORS OF THE FOREIGN SERVICE INSTITUTE.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a Board of Visitors of the Foreign Service Institute (referred to in this subsection as the “Board”).

(2) DUTIES.—The Board shall provide the Secretary with independent advice and recommendations regarding organizational management, strategic planning, resource management, and professional development into the work of the Bureau for Global Talent Management. The Board shall—

(A) nonpartisan; and

(ii) composed of 12 members, of whom—

(I) 2 members shall be appointed by the Chairperson of the Committee on Foreign Relations of the Senate;

(II) 2 members shall be appointed by the Chairperson of the Committee on Foreign Affairs of the House of Representatives;

(III) 2 members shall be appointed by the Chairperson of the Committee on Foreign Affairs of the House of Representatives; and

(iv) 2 members shall be appointed by the Secretary.

(3) QUALIFICATIONS.—Members of the Board shall be—

(A) not officers or employees of the Federal Government; and

(B) are eminent authorities in the fields of diplomacy, security, leadership, economics, trade, technology, or advanced international relations education. 

(f) OUTSIDE EXPERTISE.—

(1) IN GENERAL.—Not fewer than 6 members of the Board shall have a minimum of 10 years of relevant expertise outside the field of diplomacy.

(2) PRIOR SENIOR SERVICE AT THE DEPARTMENT.—Not more than 6 members of the Board may be persons who previously served in the Senior Foreign Service rank.

(3) TERMS.—Each member of the Board shall be appointed for a term of 3 years, except that the appointment of the Chairperson and Vice Chairperson shall be for a term of 2 years; and

(4) REPLACEMENT.—A member of the Board may be reappointed or replaced at the discretion of the official who made the original appointment.

(g) APPROVAL.—

(A) APPROVAL.—The Chairperson and Vice Chairperson of the Board shall be approved by the Secretary of State based upon a recommendation from the members of the Board.

(B) SERVICE.—The Chairperson and Vice Chairperson shall serve at the discretion of the Secretary.

(h) MEETINGS.—The Board shall meet—

(A) at the call of the Director of the Foreign Service Institute and the Chairperson; and

(B) not fewer than 2 times per year.

(i) COMPENSATION.—Each member of the Board shall serve without compensation, except that a member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of the Foreign Service under chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated service of members of the Board.

(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Board established by this subsection.

(j) ESTABLISHMENT OF PROVOST OF FOREIGN SERVICE INSTITUTE.—

(1) ESTABLISHMENT.—There is established in the Foreign Service Institute the position of Provost.

(2) APPOINTMENT; REPORTING.—The Provost shall—

(A) be appointed by the Secretary; and

(B) report to the Director of the Foreign Service Institute.

(3) QUALIFICATIONS.—The Provost shall be—

(A) an eminent authority in the field of diplomacy, national security, education, management, leadership, economics, history, trade, technology, and national security; and

(B) a person with significant experience outside the Department, whether in other national security agencies or in the private sector, and preferably in positions of authority in educational institutions or the field of professional development and mid-career training with oversight for the evaluation of academic programs.

(4) DUTIES.—The Provost shall—

(A) oversee, review, evaluate, and coordinate the academic curriculum for all courses taught and administered by the Foreign Service Institute;

(B) coordinate the development of an evaluation system to ascertain how well participation in the education and training course offerings have met the program’s stated objectives; and

(C) submit an annual report to Congress and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a description of the academic programs.
residential training for other long-term training opportunities. An examination of the likely advantages and disadvantages of establishing a press training program for the Foreign Affairs Training Center that enables Foreign Service officers to better understand issues of press freedom and the tools that are available to help protect journalists and promote freedom of the press norms, which may include—
(i) historic and current issues facing press freedom, including countries of specific concern;
(ii) the Department’s role in promoting press freedom, an American value, a human rights issue, and a national security imperative;
(iii) ways to incorporate press freedom into curricula and the activities of the Diplomatic Institute;
(iv) existing tools to assist journalists in distress and methods for engaging foreign governments and institutions on behalf of individuals engaged in journalistic activity who are at risk of harm.

(E) The expansion of external courses offered by the Foreign Service Institute at academic institutions or professional associations on specific topics, including in-person and virtual courses on monitoring and evaluation, audience analysis, and the use of emerging technologies in diplomacy.

(S6530) courses; and (m) Report on Public Diplomacy.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report required under paragraph (1), including anticipated resource requirements to carry out the strategy referred to in subsection (a). (k) Department of State Workforce Management.—

(i) Sense of Congress.—It is the sense of Congress that informed, data-driven, and long-term workforce management, including with respect to the Foreign Service, the Civil Service, the locally employed staff, and contractors, is needed to align diplomatic priorities with the appropriate personnel and resources.

(ii) Annual Workforce Report.—(A) In General.—In order to understand the Department’s long-term trends with respect to its workforce, the Secretary, in consultation with relevant bureaus and offices, including the Bureau of Global Talent Management and the Center for Analytics, shall submit a report to the appropriate committees of Congress that details the Department’s workforce, disaggregated by Foreign Service, Civil Service, locally employed staff, and contractors, including, with respect to the Department’s long-term trends with respect to its workforce, the Secretary, is considered in paragraphs (A) through (D) of subsection (a), including lack of cooperation and within 1 year, in the vast majority of cases, the security clearance approval process; and

(i) the number of personnel who were hired;
(ii) the number of personnel whose employment or contract was terminated or who voluntarily left the Department;
(iii) the number of personnel who were promoted, including the grade to which they were promoted;
(iv) the demographic breakdown of personnel;
(V) the distribution of the Department’s workforce based on domestic and overseas assignments, including a breakdown of the number of personnel in geographic and functional bureaus and positions for personnel in overseas missions by region; and
(ii) for personal service contracts and other contracts with individuals—
(I) the number of individuals under active contracts; and
(II) the distribution of these individual contracts, including a breakdown of the number of personnel in geographic and functional bureaus, and the number of individual contractors supporting overseas missions, disaggregated by region.

(b) Initial Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit the report described in subparagraph (A) for each of the fiscal years 2016 through 2020.

(c) Recurring Report.—Not later than December 31, 2023, and annually thereafter for 5 years, the Secretary shall submit the report described in subparagraph (A) for the most recently concluded fiscal year.

(d) Use of Report Data.—The data in each of the reports required under this paragraph shall be used by Congress, in coordination with the Secretary, to inform recommendations on the size and composition of the Department.

(i) Sense of Congress on the Importance of Filling the Position of Undersecretary for Public Diplomacy and Public Affairs.—It is the sense of Congress that since a vacancy in the position of Undersecretary for Public Diplomacy and Public Affairs is detrimental to the security interests of the United States, the President should expeditiously nominate a qualified individual in the event of a vacancy, and whenever such vacancy occurs to ensure that the bureaus reporting to such position are able to fulfill their mission of—

(1) expanding and strengthening relationships between the people of the United States and citizens of other countries; and
(2) engaging, informing, and understanding the perspectives of foreign audiences.

(m) Report on Public Diplomacy.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that includes—

(1) an evaluation of the May 2019 merger of the Bureau of Public Affairs and the Bureau of International Information Programs into the Bureau of Global Public Affairs with respect to—
(A) the efficacy of the current configuration of the bureaus reporting to the Under Secretary for Public Diplomacy and Public Affairs in achieving the mission of the Department;
(B) the metrics before and after such merger, including personnel data, disaggregated by position and location, content production, opinion polling, program evaluations, and media appearances;
(C) the results of a survey of public diplomacy practitioners to determine their opinion of the efficacy of such merger and any adjustments that still need to be made;
(D) a plan for evaluating and monitoring, not less frequently than once every 2 years, the programs, activities, messaging, professional development efforts, and structure of the Bureau of Global Public Affairs, and submitting a summary of each such evaluation to the appropriate committees of Congress; and
(E) a review of recent outside recommendations for modernizing diplomacy at the Department with respect to public diplomacy efforts, including—
(A) efforts in each of the bureaus reporting to the Under Secretary for Public Diplomacy and Public Affairs to address issues of diversity and inclusion in their work, structure, data collection, programming, and personnel, including any collaboration with the Chief Officer for Diversity and Inclusion;
(B) proposals to collaborate with think tanks and academic institutions working on public diplomacy issues to implement recent outside recommendations; and
(C) additional authorizations and appropriations necessary to implement such recommendations.

SEC. 5206. SECURITY CLEARANCE APPROVAL PROCESS.

(a) Recommendations.—Not later than 270 days after the date of the enactment of this Act, the Secretary, in coordination with the Director of National Intelligence, shall submit to appropriate congressional committees for streamlining the security clearance approval process within the Bureau of Diplomatic Security so that the security clearance approval process for Civil Service and Foreign Service applicants is completed within 6 months, on average, and within 1 year, in the vast majority of cases.

(b) Report.—Not later than 90 days after the recommendations are submitted pursuant to subsection (a), the Secretary shall submit a report to the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives that—

(1) describes the status of the efforts of the Department to streamline the security clearance approval process;
(2) identifies any remaining obstacles preventing security clearances from being completed within the time frames set forth in this section (a), inclusive of other actions by other Federal departments and agencies.
SEC. 5207. ADDENDUM FOR STUDY ON FOREIGN SERVICE ALLOWANCES.

(a) In General.—Not later than 180 days after the enactment of this Act, the Secretary shall submit to the appropriate congressional committees an addendum to the report required under section 5302 of the State Authorizations Act of 2021 (division E of Public Law 117-81), which shall be entitled the ‘Report on Bidding for Domestic and Overseas Posts and Filling Unfilled Positions’. The addendum shall be prepared using input from the same federally funded research and development center that prepared the analysis conducted for the report.

(b) Elements.—The addendum required under subsection (a) shall include—

(1) the total number of domestic and overseas positions open during the most recent summer bidding cycle;
(2) the total number of bids each position received;
(3) the number of unfilled positions at the conclusion of the most recent summer bidding cycle, disaggregated by bureau; and
(4) detailed recommendations and a timeframe on an initial basis for

(a) increasing the number of qualified bidders for underbid positions; and
(b) minimizing the number of unfilled positions bidding season.

SEC. 5208. CURTAILMENTS, REMOVALS FROM POST, AND WAIVERS OF PRIVILEGES AND IMMUNITIES.

(a) Curtailments Report.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary shall submit a report to the appropriate congressional committees regarding curtailments of Department personnel from overseas posts.

(2) Contents.—The Secretary shall include in the report required under paragraph (1)—

(A) relevant information about any post that, during the 6-month period preceding the report—

(i) had more than 5 curtailments; or
(ii) had curtailments representing more than 5 percent of Department personnel at such post; and
(B) for each post referred to in subparagraph (A), the number of curtailments, disaggregated by occurrence.

(b) Removal of Diplomats.—Not later than 5 days after the date on which any United States personnel under Chief of Mission authority is declared persona non grata by a host government, the Secretary shall—

(1) notify the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives of such declaration; and
(2) include with such notification—

(A) the official reason for such declaration (if provided by the host government); (B) the date of such declaration; and
(C) whether the Department responded by declaring a host government’s diplomat in the United States persona non grata.

(c) Waiver of Privileges and Immunities.—Not later than 15 days after any waiver of privileges and immunities pursuant to the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, that is applicable to an entire diplomatic post or to the majority of United States personnel under Chief of Mission authority of a State, the Secretary shall notify the appropriate congressional committees of such waiver and the reason for such waiver.

(d) Effective Date.—This section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 5209. REPORT ON WORLDWIDE AVAILABILITY.

(a) In General.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on the feasibility of requiring that each member of the Foreign Service participate in the Foreign Service and thereafter, be worldwide available, as determined by the Secretary.

(b) Contents.—The report required under subsection (a) shall include—

(1) the feasibility of a worldwide availability requirement for all members of the Foreign Service;
(2) considerations if such a requirement were to be implemented, including the potential effect on recruitment and retention; and
(3) recommendations for exclusions and limitations, including exemptions for medical reasons, disability, and other circumstances.

SEC. 5210. PROFESSIONAL DEVELOPMENT.

(a) Requirements.—The Secretary shall strongly encourage that Foreign Service officers participate in professional development described in subsection (c).

(b) Requirements.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit recommendations on requiring that Foreign Service officers complete professional development described in subsection (c) as a prerequisite for entry into the Foreign Service.

(c) Professional Development Described.—Professional development described in this subsection is not less than 6 months of training or experience outside of the Department, including time spent—

(1) as a diplomat to another government agency, including Congress or a State, Tribal, or local government;
(2) in Department-sponsored and -funded university training that results in an advanced degree, excluding time spent at a university that is fully funded or operated by the Federal Government.

(d) Promotion Precepts.—The Secretary shall instruct promotion boards to consider positively long-term training and out-of-agency detail assignments.

SEC. 5211. MANAGEMENT ASSESSMENTS AT DIPLOMATIC AND CONSULAR POSTS.

(a) In General.—Beginning not later than 1 year after the date of the enactment of this Act, the Secretary shall annually conduct, at each diplomatic and consular post, a voluntary survey, which shall be offered to all staff assigned to that post who are citizens of the United States (excluding the Chief of Mission) to assess the management and leadership of that post by the Chief of Mission, the Deputy Chief of Mission, and the Charge d’Affaires.

(b) ANONYMITY.—All responses to the survey shall be—

(1) fully anonymized; and
(2) made available to the Director General of the Foreign Service.

(c) Survey.—The survey shall seek to assess—

(1) the general morale at post;
(2) the presence of any hostile work environment;
(3) the presence of any harassment, discrimination, retaliation, or other mistreatment; and
(4) effective leadership and collegial work environment.

(d) Director General Recommendations.—Upon compilation and review of the surveys, the Director General of the Foreign Service shall make recommendations to posts, as appropriate, based on the findings of the surveys.

(e) Referral.—If the surveys reveal any action that is grounds for referral to the Inspector General of the Department of State and the Foreign Service, the Director General of the Foreign Service may refer the matter to the Inspector General of the Department of State and the Foreign Service, who, as appropriate, will conduct an investigation of the post in accordance with section 209(b) of the Foreign Service Act of 1980 (22 U.S.C. 2651a).

(f) Annual Report.—The Director General of the Foreign Service shall submit an annual report to the appropriate congressional committees that includes—

(1) any trends or summaries from the surveys;
(2) the posts where corrective action was recommended or taken in response to any issues identified by the surveys; and
(3) the number of referrals to the Inspector General of the Department of State and the Foreign Service, as applicable.

SEC. 5212. INDEPENDENT REVIEW OF PROMOTION POLICIES.

Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a comprehensive review of the policies, personnel, organization, and processes related to promotions within the Department, including—

(1) a review of—

(A) the selection and oversight of Foreign Service promotion panels; and
(B) the use of quantitative data and metrics in such panels;

(2) an assessment of the promotion practices of the Department, including how promotion processes are communicated to the workforce and appeals processes; and
(3) recommendations for improving promotion panels and promotion practices.

SEC. 5213. THIRD PARTY VERIFICATION OF PERMANENT CHANGE OF STATION (PCS) ORDERS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a mechanism for third parties to verify the employment of, and the validity of permanent change of station (PCS) orders received by, members of the Foreign Service, in a manner that protects the safety, security, and privacy of sensitive employee information.

SEC. 5214. POST-EMPLOYMENT RESTRICTIONS ON SENATE-CONFIRMED OFFICIALS AT THE DEPARTMENT OF STATE.

(a) Sense of Congress.—It is the sense of Congress that—

(1) Congress and the executive branch have recognized the importance of preventing and mitigating the potential for conflicts of interest following government service, including with respect to senior United States officials working on behalf of foreign governments; and
(2) Congress and the executive branch should jointly evaluate the status and scope of post-employment restrictions.

(b) Restrictions.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following:

"(e) Extended Post-Employment Restrictions for Certain Senate-Confirmed Officials.—

(1) Definitions.—In this subsection:

(A) Country of Concern.—The term ‘country of concern’ means—

(i) the People’s Republic of China;
(ii) the Russian Federation;
(iii) the Islamic Republic of Iran; and
(iv) the Democratic People’s Republic of Korea;"
(v) the Republic of Cuba; and 
(vi) the Syrian Arab Republic.

(B) FOREIGN GOVERNMENT ENTITY.—The term ‘foreign governmental entity’ includes—

(i) any person employed by—

(ii) any agency, department, or other entity of a foreign government at the national, regional, or local level; or

(iii) any country majority-owned or majority-controlled by a foreign government at the national, regional, or local level; and

(iv) any agency described in paragraph (3)(B), any company, economic project, cultural organization, exchange program, or nongovernmental organization that is more than 33 percent owned or controlled by the government of such country.

(C) REPRESENTATION.—The term ‘representation’ does not include representation by an attorney, who is duly licensed and authorized to provide legal advice in a United States jurisdiction, of a person or entity in a legal capacity or for the purposes of rendering legal advice.

(2) SECRETARY OF STATE AND DEPUTY SECRETARY OF STATE.—With respect to a person serving as the Secretary of State or Deputy Secretary of State, the restrictions described in section 207(f)(1) of title 18, United States Code, shall apply to any such person who knowingly represents, aids, or advises a foreign governmental entity before an officer or employee of the executive branch of the United States at any time after the termination of that person’s service as Secretary or Deputy Secretary.

(3) UNDER SECRETARIES, ASSISTANT SECRETARIES, AND AMBASSADORS.—With respect to a person serving as an Under Secretary, Assistant Secretary, or Ambassador at the Department of State or as the United States Permanent Representative to the United Nations, the restrictions described in section 207(f)(1) of title 18, United States Code, shall apply to any such person who knowingly represents, aids, or advises a foreign governmental entity before an officer or employee of the executive branch of the United States at any time after the termination of that person’s service in a position described in this paragraph.

(4) PENALTIES AND INJUNCTIONS.—Any violation of the restrictions under paragraphs (2) or (3) shall be subject to the penalties and injunctions provided for under section 216 of title 18, United States Code.

(5) GUIDANCE FOR CLOSURE OF PUBLIC DIPLOMATIC FACILITIES.—Any person subject to the restrictions under this subsection shall be provided notice of these restrictions by the Department of State—

(A) upon appointment by the President; and

(B) upon termination of service with the Department of State.

(6) EFFECTIVE DATE.—The restrictions under this subsection shall apply only to persons who are appointed by the President on or after the date of the enactment of this Act.

(7) SUNSET.—The restrictions under paragraphs (2) and (3) shall terminate 7 years after the date of the enactment of this Act.

TITLE LIII—EMBASSY SECURITY AND CONSTRUCTION

SECTION 5301. AMENDMENTS TO SECURE EMBASSY CONSTRUCTION AND COUNTERTERRORISM ACT OF 1999

(a) SHORT TITLE.—This section may be cited as the “Secure Embassy Construction and Counterterrorism Act of 2022”.

(b) FINDINGS.—Congress makes the following findings:

(1) The Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of Public Law 106–113) was a necessary response to bombings on August 7, 1998, at the United States embassies in Nairobi, Kenya, and in Dar es Salaam, Tanzania, that were destroyed by simultaneously exploding bombs. The resulting explosions killed 220 persons and injured more than 4,000 others. Twelve Americans and 40 Kenyan and Tanzanian employees of the United States Foreign Service were killed in the attacks.

(2) Those explosions, followed by the expediency-driven diplomatic efforts in Iraq and Afghanistan, demonstrated the need to prioritize the security of United States posts and personnel abroad above other considerations.

(3) Between 1999 and 2022, the risk calculus of the Department impacted the ability of the United States to advance the interests of the United States through access to local populations, leaders, and places.

(4) America’s competitors and adversaries do not have the same restrictions that United States diplomats have, especially in critically important medium-threat and high-threat environments.

(5) The Department’s 2021 Overseas Security Panel report states that—

(A) the requirement for setback and collocation of embassies under paragraphs (2) and (3) of section 606(a) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)) has led to skyrocketing costs of new embassies and consulates; and

(B) the locations of such posts have become less desirable, creating an extremely suboptimal nexus that further hinders United States diplomats who are willing to accept more risk in order to advance United States interests.

(c) STATE OF CONGRESS.—It is the sense of Congress that—

(1) the setback and collocation requirements referred to in subsection (b)(5)(A) are excessive, undermine the ability to properly utilize information from each diplomatic post at which the construction of a new embassy compound or new consulate compound
could result in the closure or co-location of an American Space that is owned and operated by the United States Government, generally known as an American Center, or any other diplomatic facility under the Security of American Centers Act of 1986 (22 U.S.C. 4865(a)) is amended—

(A) by inserting (iA), by striking the threat and inserting a range of threats, including that;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting "an American Center, or any American Space that is owned and operated by the United States Government, generally known as an American Center, or any other diplomatic facility under the Security of American Centers Act of 1986 (22 U.S.C. 4865(a))", and

(ii) in subparagraph (B)—

(I) by inserting "an American Center, or any American Space that is owned and operated by the United States Government, generally known as an American Center, or any other diplomatic facility under the Security of American Centers Act of 1986 (22 U.S.C. 4865(a))", and

(iiA) by striking "security conditions" after "national" and inserting "national security of the United States," and

(iiB) by redesigning paragraphs (3) and (4), respectively; and

(iiC) by inserting after paragraph (3) the following:

"(ii) CHANCERY OR CONSULATE BUILDING.— Prior; and"

(III) in clause (iii), by striking "an annual" and inserting "a quarterly."
personnel,” and inserting “EXCEPTIONS TO CONVENING A SECURITY REVIEW COMMITTEE’’; (II) by striking “The Secretary of State is not required to convene a Board in the case’’ and inserting the following: ‘‘(A) IN GENERAL.—The Secretary of State is not required to convene a Security Review Committee— (i) if the Secretary determines that the incident involves only causes unrelated to security, such as when the security at issue is outside of the scope of the Secretary of State’s security responsibilities under section 103; (ii) if operational control of overseas security functions has been delegated to another agency in accordance with section 106; (iii) if the incident is a cybersecurity incident and is covered by other review mechanisms; (iv) in the case;’’ and (III) by striking “In any such case’’ and inserting the following: ‘‘(B) DEPARTMENT OF DEFENSE INVESTIGATIONS.—In the case of an incident described in subparagraph (A)(iv);’’ and (E) by adding at the end the following: ‘‘(5) The Secretary of State shall promulgate regulations defining the membership and operating procedures for the Security Review Committee and provide such Chair and other members of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; (2) in subsection (b)— (A) in the subsection heading, by striking ‘‘BOARDS’’ and inserting ‘‘SECURITY REVIEW COMMITTEE’’; and (B) by amending paragraph (1) to read as follows— (1) IN GENERAL.—The Secretary of State shall convene a Security Review Committee not later than 90 days after the occurrence of an incident described in subsection (a)(1), or 60 days after the Department first becomes aware of such an incident, whichever is earlier, except that the 60-day period for convening a Security Review Committee may be extended for one additional 60-day period if the Secretary determines that the additional period is necessary;’’ and (3) by amending subsection (c) to read as follows— (c) CONGRESSIONAL NOTIFICATION.—Whenever the Secretary of State convenes a Security Review Committee, the Secretary shall promptly inform the chair and ranking member of— (1) the Committee on Foreign Relations of the Senate; (2) the Select Committee on Intelligence of the Senate; (3) the Committee on Foreign Affairs of the House of Representatives; and (4) the Permanent Select Committee on Intelligence of the House of Representatives. (e) TECHNICAL AND CONFORMING AMENDMENTS.—Section 303 of the Diplomatic Security Act of 1986 (22 U.S.C. 4832) is amended— (1) in the section heading, by striking ‘‘ACCOUNTABILITY REVIEW BOARD’’ and inserting ‘‘SECURITY REVIEW COMMITTEE’’; and (2) by striking “a Board’’ each place such term appears and inserting “a Security Review Committee’’. (f) SECURITY INCIDENT INVESTIGATION PROCESS.—Section 303 of the Diplomatic Security Act of 1986 (22 U.S.C. 4833) is amended to read as follows: ‘‘SEC. 303. SECURITY INCIDENT INVESTIGATION PROCESS.— (a) INVESTIGATION.——(1) INITIATION UPON REPORTED INCIDENT.—The Secretary of State shall convene a Security Review Committee to investigate a Serious Security Incident not later than 3 days after such incident occurs, whenever feasible, at which time an investigation of the incident shall be initiated. (2) INVESTIGATION.——(i) when the Secretary determines that the incident involved only causes unrelated to security, such as when the security at issue is outside of the scope of the Secretary of State’s security responsibilities under section 103; (ii) if operational control of overseas security functions has been delegated to another agency in accordance with section 106; (iii) if the incident is a cybersecurity incident and is covered by other review mechanisms; (iv) in the case; and (iii) by striking “In any such case’’ and inserting the following: ‘‘(B) DEPARTMENT OF DEFENSE INVESTIGATIONS.——In the case of an incident described in subparagraph (A)(iv);’’ and (E) by adding at the end the following: ‘‘(5) The Secretary of State shall promulgate regulations defining the membership and operating procedures for the Security Review Committee and provide such Chair and other members of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; (2) in subsection (b)— (A) in the subsection heading, by striking ‘‘BOARDS’’ and inserting ‘‘SECURITY REVIEW COMMITTEE’’; and (B) by amending paragraph (1) to read as follows— (1) IN GENERAL.—The Secretary of State shall convene a Security Review Committee not later than 90 days after the occurrence of an incident described in subsection (a)(1), or 60 days after the Department first becomes aware of such an incident, whichever is earlier, except that the 60-day period for convening a Security Review Committee may be extended for one additional 60-day period if the Secretary determines that the additional period is necessary;’’ and (3) by amending subsection (c) to read as follows— (c) CONGRESSIONAL NOTIFICATION.—Whenever the Secretary of State convenes a Security Review Committee, the Secretary shall promptly inform the chair and ranking member of— (1) the Committee on Foreign Relations of the Senate; (2) the Select Committee on Intelligence of the Senate; (3) the Committee on Foreign Affairs of the House of Representatives; and (4) the Permanent Select Committee on Intelligence of the House of Representatives.”
SEC. 5303. ESTABLISHMENT OF UNITED STATES EMBASSIES IN VANUATU, KIRIBATI, AND TONGA.

(a) FINDINGS.—Congress makes the following findings:

(1) The Pacific Islands are vital to United States national security and national interests in the Indo-Pacific region and globally.

(2) The Pacific Islands region spans 15 percent of the world's surface area and controls access to open waters in the Central Pacific, sea lanes to the Western Hemisphere, supply lines to United States forward-deployed forces in East Asia, and economically important fisheries.

(3) The Pacific Islands region is home to the State of Hawaii, 11 United States territories, United States Naval Base Guam, and United States Andersen Air Force Base.

(4) Pacific Island countries cooperate with the United States and United States partners on security and efforts to stop illegal, unreported, and destructive fishing.

(5) The Pacific Islands are rich in biodiversity and are on the frontlines of environmental and climate issues.

(6) The People’s Republic of China (PRC) seeks to increase its influence in the Pacific Islands region, including through infrastructure development under the PRC’s Belt Road Initiative and its new security agreement with the Solomon Islands.

(7) The United States Embassy in Papua New Guinea manages the diplomatic affairs of the United States to the Republic of Vanuatu, and the United States Embassy in Fiji manages the diplomatic affairs of the United States to the Republic of Kiribati and the Kingdom of Tonga.

(8) The United States requires a physical diplomatic presence in the Republic of Vanuatu, Kiribati, and the Kingdom of Tonga, to ensure the physical and operational security of our efforts in those countries to deepen relations, protect United States national security, and pursue United States national interests.

(b) ESTABLISHMENT OF EMBASSIES.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes demographic data and other information regarding the diversity of the workforce of the Department.

(b) DATA.—The report required under subsection (a) shall include, to the maximum extent that the collection and dissemination of such data can be done in a way that protects the confidentiality of individuals and is otherwise permissible:

(1) demographic data on each element of the workforce of the Department during the 5-year period ending on the date of the enactment of this Act, disaggregated by rank and grade or grade-equivalent, with respect to—

(A) individuals hired to join the workforce;

(B) individuals promoted, including promotions to and within the Senior Executive Service or the Senior Foreign Service;

(C) individuals serving as special assistants in any of the offices of the Secretary of State, the Deputy Secretary of State, the Counselor of the Department of State, the Under Secretary of State for Political Affairs, the Under Secretary of State for Arms Control and International Security, the Under Secretary of State for Civilian Security, Democracy, and Human Rights, the Under Secretary of State for Economic Growth, Energy, and the Environment, the Under Secretary of State for Management, the Under Secretary of State for Public Diplomacy and Public Affairs;

(D) individuals serving in each bureau’s personnel management;

(E) individuals serving as detailees to the National Security Council;

(F) individuals serving on applicable selection boards;

(G) members of any external advisory committee or board who are subject to appointment by individuals at senior positions in the Department;

(H) individuals participating in professional development programs of the Department and the extent to which such participants have been placed into senior positions within the Department after such participation;

(I) individuals participating in mentorship or retention programs; and

(J) individuals who separated from the agency, including individuals in the Senior Executive Service or the Senior Foreign Service;

(2) an assessment of agency compliance with the essential elements identified in Equal Employment Opportunity Commission Directive 715, effective October 1, 2003; and

(3) data on the overall number of individuals who are part of the workforce, the percentage of such workforce, comparing to each element specified in paragraph (1), and the percentages corresponding to each rank, grade, or grade equivalent.

(c) EFFECTIVENESS OF DEPARTMENT EFFORTS.—The report required under subsection (a) shall describe and assess the effectiveness of the efforts of the Department—

(1) to propagate fairness, impartiality, and inclusion in the work environment, both domestically and abroad;

(2) to enforce anti-harassment and anti-discrimination policies, both domestically and at posts overseas;
(3) to refrain from engaging in unlawful discrimination in any phase of the employment process, including recruitment, hiring, evaluation, assignments, promotion, retention, and training and development;

(4) to prevent retaliation against employees for participating in a protected equal employment opportunity activity or for reporting sex or gender-based harassment or assault;

(5) to provide reasonable accommodation for qualified employees and applicants with disabilities; and

(6) to recruit a representative workforce by—

(A) recruiting women, persons with disabilities, and minorities;

(B) recruiting at women’s colleges, historically Black colleges and universities, minority-serving institutions, and other institutions serving a significant percentage of minority students;

(C) placing job advertisements in newspapers, magazines, and job sites oriented toward women and minorities;

(D) sponsoring and recruiting at job fairs in urban and rural communities and at land-grant colleges or universities;

(E) providing opportunities through the Foreign Service Educational Internship Program under chapter 12 of the Foreign Service Act of 1980 (22 U.S.C. 4141 et seq.), and other hiring initiatives;

(F) recruiting mid-level and senior-level professionals through programs designed to increase representation in international affairs of people belonging to traditionally underrepresented groups;

(G) offering the Foreign Service written and oral assessment examinations in several locations throughout the United States or via online platforms to reduce the burden of applicants having to travel at their own expense to take either or both such examinations.

(H) expanding the use of paid internships and fellowships; and

(i) supporting recruiting and hiring opportunities through—

(i) the Charles B. Rangel International Affairs Fellowship Program;

(ii) the Thomas R. Pickering Foreign Affairs Fellowship Program; and

(iii) other initiatives, including agency-wide policy initiatives.

(d) ANNUAL REPORTS.—

(1) NOT LATER THAN 1 YEAR AFTER the publication of the report required under subsection (a), the Secretary of State shall submit a report to the appropriate congressional committees that includes—

(A) disaggregated demographic data, to the maximum extent that collection of such data is permissible by law, relating to the workforce in the Department on the status of diversity and inclusion efforts of the Department;

(B) an analysis of applicant flow data, to the maximum extent that collection of such data is permissible by law; and

(C) disaggregated demographic data relating to participants in professional development programs of the Department and the rate of recruitment of women, persons with disabilities, and members of underrepresented communities to senior positions for participants in such programs.

(2) COMBINATION WITH OTHER ANNUAL REPORTS.—The report required under paragraph (1) may be combined with another annual report required by law, to the extent practicable.

SEC. 5404. CENTERS OF EXCELLENCE IN FOREIGN AFFAIRS AND ASSISTANCE.

(a) PURPOSE.—The purpose of this section is—

(1) to advance the values and interests of the United States overseas through programs that foster innovation, competitiveness, and a diversity of backgrounds, views, and experiences in the formulation and implementation of United States foreign policy and assistance; and

(2) to create opportunities for specialized research, professional training, professional development, and leadership opportunities for individuals belonging to an underrepresented group within the Department and USAID.

(b) STUDY.—

(1) IN GENERAL.—The Secretary and the Administrator shall conduct a study on the feasibility of establishing Centers of Excellence in Foreign Affairs and Assistance (referred to in this section as the ‘‘Centers of Excellence’’) within institutions that serve individuals belonging to an underrepresented group to focus on 1 or more of the areas described in paragraph (2).

(2) EXAMINERS.—In conducting the study required under paragraph (1), the Secretary and the Administrator, respectively, shall consider—

(A) opportunities to enter into public-private partnerships that will—

(i) increase diversity in foreign affairs and foreign assistance Federal careers;

(ii) prepare a greater number of students (including nontraditional, mid-career, part-time, and heritage students) and nonprofit or business professionals with the skills and education needed to successfully contribute to the formulation and execution of United States foreign policy and assistance;

(iii) support the conduct of research, education, and extension programs that reflect diverse perspectives and a wide range of views of world regions and international affairs;

(I) to assist in the development of regional and functional foreign policy skills; and

(III) to strengthen international development and humanitarian assistance programs; and

(B) disaggregated demographic data, to the maximum extent that collection of such data is permissible by law, relating to the workforce in the Department on the status of diversity and inclusion efforts of the Department;

(C) an analysis of applicant flow data, to the maximum extent that collection of such data is permissible by law; and

(D) disaggregated demographic data relating to participants in professional development programs of the Department and the rate of recruitment of women, persons with disabilities, and members of underrepresented communities to senior positions for participants in such programs.

(2) COMBINATION WITH OTHER ANNUAL REPORTS.—The report required under paragraph (1) may be combined with another annual report required by law, to the extent practicable.

SEC. 5404. INSTITUTE FOR TRANS ATLANTIC ENGAGEMENT.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary is authorized to establish the Institute for Transatlantic Engagement (referred to in this section as the ‘‘Institute’’).

(b) PURPOSE.—The purpose of the Institute shall be to strengthen national security by highlighting, to a geographically diverse set of populations from the United States, Canada, and European nations the importance of transatlantic relations, the threats posed by adversarial countries, such as the People’s Republic of China, Russia, and Iran; democratic, free-market economic principles, and human rights, with the aim that lessons learned from the Institute will be shared across the United States and Europe.

(c) DIRECTOR.—The Institute shall be headed by a Director, who shall have expertise in transatlantic relations and an interest in populations in the United States and Europe.

(d) SCOPE AND ACTIVITIES.—The Institute shall—

(1) strengthen knowledge of the formation and implementation of transatlantic policies critical to national security, including the threats posed by the Russian Federation and the People’s Republic of China;

(2) increase awareness of the roles of government and nongovernmental actors, such as multilateral organizations, civil society actors, academia, think tanks, and philanthropic institutions, in transatlantic policy development and execution;

(3) identify and disseminate best practices in which diverse backgrounds and perspectives affect the development of transatlantic policies;

(4) enhance the skills, abilities, and effectiveness of government officials at national and international levels;

(5) increase awareness of the importance of the United States, Canada, and European nations for a program offered by the Institute that is not less than 2 days in duration; and

(6) develop metrics to track the success and efficacy of the program.

(e) ELIGIBILITY TO PARTICIPATE.—Participants in the programs of the Institute shall include—

(1) serving at national, regional, or local levels in the United States, Canada, and European nations; and

(2) who represent geographically diverse backgrounds or constituencies in the United States, Canada, and Europe.

(f) SELECTION OF PARTICIPANTS.—

(1) UNITED STATES PARTICIPANTS.—Participants from the United States shall be appointed in an equally divided manner by—

(A) the chairpersons and ranking members of the House of Representatives; and

(B) the Speaker of the House of Representatives and the Majority Leader of the House of Representatives.

(C) the Majority Leader of the Senate and the Minority Leader of the Senate.

(2) EUROPEAN AND CANADIAN PARTICIPANTS.—Participants from Europe and Canada shall be appointed by the Secretary, in consultation with—

(A) the chairpersons and ranking members of the European Parliament; and

(B) the Speaker of the House of Representatives and the Majority Leader of the House of Representatives.

(C) the Majority Leader of the Senate and the Minority Leader of the Senate.

(g) RESTRICTIONS.—

(1) UNPAID PARTICIPATION.—Participants in the Institute may not be paid a salary for such participation.
TITLE IV—INFORMATION SECURITY AND CYBER DIPLOMACY

SEC. 5501. UNITED STATES INTERNATIONAL CYBERSPACE POLICY.
(a) IN GENERAL.—It is the policy of the United States—
(1) to work internationally to promote an open, interoperable, reliable, and secure Internet governed by the multi-stakeholder model, which—
(A) promotes democracy, the rule of law, and human rights, including freedom of expression;
(B) supports the ability to innovate, communicate, and promote economic prosperity; and
(C) is designed to protect privacy and guard against deception, manipulation, incitement to violence, harassment and abuse, fraud, and theft;
(2) to encourage and aid United States allies and partners in improving their own technological capabilities and resiliency to pursue, defend, and protect shared interests and values, free from coercion and external pressures;
(3) in furtherance of the efforts described in paragraphs (1) and (2)—
(A) to provide incentives to the private sector to accelerate the development of the technologies referred to in such paragraphs;
(B) to modernize and harmonize with allies and partners export controls and investment screening regimes and associated policies with the United States, including implementing the Diplomatic Security Act of 2022; and
(C) to enhance United States leadership in technical standards-setting bodies and avenues for developing norms regarding the use of digital tools.
(b) IMPLEMENTATION.—In implementing the policy described in subsection (a), the President, in consultation with outside actors, as appropriate, including private sector companies, nongovernmental organizations, security researchers, and other relevant stakeholders, in the conduct of bilateral and multilateral relations, shall strive—
(1) to clarify the applicability of international laws and norms to the use of information and communications technology (referred to in this subsection as “ICT”);
(2) to reduce and limit the risk of escalation of cyber-enabled activities to critical infrastructure, and other malicious cyber activity that imperils the use and operation of critical infrastructure that provides services to the public;
(3) to cooperate with like-minded countries that share common values and cyberspace policies with the United States, including respecting human rights, democracy, and the rule of law, to advance such values and policies internationally;
(4) to encourage the responsible development and adoption of digital technologies and ICT products that strengthen a secure Internet architecture that is accessible to all;
(5) to secure and implement commitments on responsible behavior on cyberspace, including commitments by countries—
(A) not to conduct, or knowingly support, cyber-enabled theft of intellectual property, including trade secrets or other confidential business information, with the intent of providing commercial advantages to companies or commercial sectors;
(B) to take all appropriate and reasonable efforts to keep their territories clear of intentional defacement or denial of services in violation of international commitments;
(C) not to conduct or knowingly support ICT activity that intentionally damages or subverts the operation of critical infrastructure providing services to the public, in violation of international law; and
(D) to take appropriate measures to protect the country’s critical infrastructure from ICT threats;
(6) not to conduct or knowingly support malicious international cyber activity that harms the information systems of authorized international emergency response teams (also known as “computer emergency response teams” or “cybersecurity incident response teams”) of another country or authorize emergency response teams to engage in malicious international activity, in violation of international law;
(7) to respond to appropriate requests for assistance to mitigate malicious ICT activity emanating from their territory and aimed at the critical infrastructure of another country;
(8) to not restrict cross-border data flows or require local storage or processing of data; and
(9) to protect the exercise of human rights and fundamental freedoms on the Internet, while recognizing that the human rights people have offline also need to be protected online; and
(10) to advance, encourage, and support the development and adoption of internationally recognized technical standards and best practices.

SEC. 5502. BUREAU OF CYBERSPACE AND DIGITAL POLICY.
(a) IN GENERAL.—Section 1 of the Department of State Authorization Act of 1996 (22 U.S.C. 2651a), is amended—
(1) by redesignating subsections (i) and (j) as subsection (j) and (k), respectively;
(2) by redesignating subsection (h) (as added by section 361(a)(1) of division F of the Consolidations Act of 2021 (Public Law 116-260)) as subsection (i); and
(3) by inserting after subsection (h) the following:
“(j) BUREAU OF CYBERSPACE AND DIGITAL POLICY.—
(1) IN GENERAL.—There is established, within the Department of State, the Bureau of Cyberspace and Digital Policy (referred to in this subsection as the ‘Bureau’). The head of the Bureau shall have the rank and status of a career ambassador, and shall be appointed by the President, by and with the advice and consent of the Senate.
(2) DUTIES.—
(A) IN GENERAL.—The head of the Bureau shall perform such duties and exercise such powers as the Secretary of State shall prescribe, including implementing the diplomatic and foreign policy aspects of the policies described in section 5501(a) of the Department of State Authorization Act of 2022.
(B) DUTIES DESCRIBED.—The principal duties and responsibilities of the head of the Bureau shall, in furtherance of the diplomatic and foreign policy mission of the Department, be—
(i) to serve as the principal cyber policy official within the senior management of the Department of State and as the advisor to the Secretary of State for cyberspace and digital policy;
(ii) to lead, coordinate, and execute, in coordination with other relevant bureaus and offices, the Department of State’s diplomatic cyberspace, and cybersecurity efforts (including efforts related to data privacy, data flows, Internet governance, information communications technology standards, and other issues that the Secretary has assigned to the Bureau);
(iii) to coordinate with relevant Federal agencies and the Office of the National Cyber Director to ensure the diplomatic and foreign policy aspects of the cyber strategy in section 5501 of the Department of State Authorization Act of 2022, with particular engagement with the private sector, academia, and other public and private entities on relevant international cyberspace and international information communications technology issues;
(iv) to promote an open, interoperable, reliable, and secure information and communications technology infrastructure globally; and
(v) to represent the Secretary of State in interagency efforts to develop and advance Federal Government cyber priorities and activities, including efforts to develop credible national capabilities, strategies, and policies to deter and counter cyber adversaries, and carry out the purposes of title V of the Department of State Authorization Act of 2022; and
(vi) to chair, as appropriate, multilateral bodies in the cyber area; and
(vii) to support United States Government efforts to uphold and further develop global deterrence frameworks for malicious cyber activity;
(viii) to advise the Secretary of State and coordinate with foreign governments regarding responses to national security-level cyber incidents, including coordination on diplomatic response efforts to support allies and partners threatened by malicious cyber activity, in coordination with the North Atlantic Treaty Organization and like-minded countries;
(ix) to promote the building of foreign capacity relating to cyberspace policy priorities;
(x) to promote an open, interoperable, reliable, and secure information and communications technology infrastructure globally and an open, interoperable, secure, and reliable Internet governed by the multi-stakeholder model, and to promote an international regulatory environment for technology investments and the Internet that benefits United States economic and national security interests;
(xii) to promote international policies to protect the integrity of United States and international telecommunications infrastructure from foreign-based threats, including cyber-enabled threats;
(xiv) to lead engagement, in coordination with relevant executive branch agencies, with foreign governments on relevant international cyberspace, cybersecurity, cybercrime, and digital economy issues described in title V of the Department of State Authorization Act of 2022;
(xv) to promote international policies to secure radio frequency spectrum in the best interests of the United States; and
(xvi) to promote and protect the exercise of human rights, including freedom of speech and religion, through the Internet.
(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Bureau—
(A) not to exceed $750,000 for fiscal year 2023 to carry out this section.

SEC. 5503. RULE OF CONSTRUCTION.
Nothing in this division may be construed as altering existing law regarding merit system principles.
“(xix) to support efforts by the Global Engagement Center to counter cyber-enabled information operations against the United States or its allies and partners; and
“(xx) other matters as the Secretary of State may assign.

(3) QUALIFICATIONS.—The head of the Bureau shall be an individual of demonstrated competency in the fields of—
“(A) cybersecurity and other relevant cyberspace and information and communications technology policy issues; and
“(B) international diplomacy.

(4) ORGANIZATIONAL PLACEMENT.—
“(A) INITIAL PLACEMENT.—Except as provided in subparagraph (B), the head of the Bureau shall report to the Deputy Secretary of State.

(B) SUBSEQUENT PLACEMENT.—The head of the Bureau may report to an Under Secretary of State or to an official holding a higher position than Under Secretary if, not later than 15 days before any change in such reporting structure, the Secretary of State—
“(i) consults with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and
“(ii) submits a report to such committees that—
“(I) indicates that the Secretary, with respect to the reporting structure of the Bureau, consulted with and solicited feedback from—
“(aa) other relevant Federal entities with a role in international aspects of cyber policy; and
“(bb) the elements of the Department of State with responsibility for aspects of cyber policy, including the elements reporting to—
“(AA) the Under Secretary of State for Political Affairs;
“(BB) the Under Secretary of State for Civilian Security, Democracy, and Human Rights;
“(CC) the Under Secretary of State for Economic Growth, Energy, and the Environment;
“(DD) the Under Secretary of State for Arms Control and International Security Affairs;
“(EE) the Under Secretary of State for Management; and
“(FF) the Under Secretary of State for Public Diplomacy and Public Affairs;
“(II) describes the new reporting structure for the Bureau and the justification for such new structure; and
“(III) includes a plan describing how the new reporting structure will better enable the head of the Bureau to carry out the duties described in paragraph (2), including the security, economic, and human rights aspects of cyber diplomacy.

(5) SPECIAL HIRING AUTHORITIES.—The Secretary of State may—
“(A) appoint employees without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service; and
“(B) fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code regarding classification and General Schedule pay rates.

(6) COORDINATION.—In implementing the duties prescribed under paragraph (2), the head of the Bureau shall coordinate with the heads of such Federal agencies as the National Cyber Director deems appropriate.

(7) BUREAU CONSTRUCTION.—Nothing in this subsection may be construed—
“(A) to preclude the head of the Bureau from being designated as an Assistant Secretary of State or any other Assistant Secretary; or
“(B) to alter or modify the existing authorities of any other Federal agency or official.

(8) SENSE OF CONGRESS.—It is the sense of Congress that the Bureau established under section 111 of the Department Basic Authorities Act of 2018 (22 U.S.C. 2501) by sub- section (a), should have a diverse workforce composed of qualified individuals, including individuals belonging to an underrepresented group.

(9) UNITED NATIONS.—The Permanent Representative of the United States to the United Nations should use the voice, vote, and influence of the United States to oppose any measure that is inconsistent with the policy described in section 5501(a).

SEC. 5503. INTERNATIONAL CYBERSPACE AND DIGITAL POLICY STRATEGY.

(a) STRATEGY REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the President, acting through the Secretary of State, and in coordination with the heads of other relevant Federal departments and agencies, shall develop an international cyberspace and digital policy strategy.

(b) ELEMENTS.—The strategy required under subsection (a) shall include—
“(1) an assessment of the extent to which the United States engages with foreign countries, state-sponsored entities, and non-state actors to—
“(I) support efforts by the Global Engagement Center to counter cyber-enabled information operations against the United States or its allies and partners;
“(II) increase the full range of United States interests regarding cyberspace, including the policy described in section 5501(a);
“(III) include a review and share best practices and advance proposals to strengthen civil and private sector resiliency to threats and access to opportunities in cyberspace; and
“(IV) to improve allies’ and partners’ collaboration with the United States on cyber security issues, including information sharing, coordination and improvement, and joint investigatory and law enforcement operations related to cybercrime; and
“(2) a review of existing efforts in relevant multilateral fora, as appropriate, to obtain commitments on international norms regarding cyberspace;
“(3) a review of alternative concepts for international norms regarding cyberspace offered by foreign countries;
“(4) a detailed description, in consultation with the Office of the National Cyber Director and relevant Federal agencies, of new and evolving threats regarding cyberspace from foreign adversaries, state-sponsored actors, and non-state actors to—
“(A) the United States national security;
“(B) the Federal and private sector cyber- space infrastructure of the United States;
“(C) intellectual property in the United States; and
“(D) the privacy and security of citizens of the United States;
“(5) a review of policy tools available to the President to deter and de-escalate tensions with foreign countries, state-sponsored actors, and private actors regarding—
“(A) threats to the United States; and
“(B) the degree to which such tools have been used; and
“(6) a review of resources required to conduct activities to build responsible norms of international cyber behavior.

(c) UNCLASSIFIED ANNEX.—The strategy required under subsection (a) may include a classified annex.

(d) BRIEFING.—Not later than 30 days after the completion of the strategy required under subsection (a), the Secretary shall brief the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Armed Services of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Armed Services of the House of Representatives regarding the strategy, including any material contained in a classified annex.

(e) UPDATES.—The strategy required under subsection (a) shall be updated—
“(1) not later than 90 days after any material change to United States policy described in such strategy; and
“(2) not later than 1 year after the inauguration of each new President.

SEC. 5504. GOVERNMENT ACCOUNTABILITY OF OFFICER REPORT ON CYBER DIPLOMACY.

Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report and provide recommendations to appropriate congressional committees that includes—
“(1) an assessment of the extent to which United States diplomatic efforts and other efforts with foreign countries, including through multilateral fora, bilateral engagements, and negotiations, advance the full range of United States interests regarding cyberspace, including the policy described in section 5501(a);
“(2) an assessment of the Department’s organizational structure and approach to managing its diplomatic efforts to advance the full range of United States interests regarding cyberspace, including a review of—
“(A) the establishment of a Bureau within the Department to lead the Department’s international cyber mission;
“(B) the current or proposed diplomatic mission, structure, staffing, funding, and activities of such Bureau; and
“(C) how the establishment of such Bureau has impacted or is likely to impact the structure and organization of the Department; and
SEC. 5505. REPORT ON DIPLOMATIC PROGRAMS TO DETECT AND RESPOND TO CYBERTHREATS AGAINST ALLIES AND PARTNERS.

Not later than 180 days after the date of the enactment of this Act, the Secretary, in coordination with the heads of other relevant Federal agencies, shall submit a report to the appropriate congressional committees that assesses the capabilities of the Department of State, the National Counterintelligence and Security Center, and the other Federal agencies in responding to cyber incidents.

(a) Sense of Congress.—It is the sense of Congress that improving computer programming language proficiency will improve—

(1) the cybersecurity effectiveness of the Department; and
(2) the ability of foreign service officers to engage with foreign audiences on cybersecurity matters.

(b) TECHNOLOGY TALENT ACQUISITION.—

(1) ESTABLISHMENT.—The Secretary shall establish a program, which shall be known as the "Regional Technology Officer Program," to fulfill the critical need of the Department for—

(4) A UTHORIZATION OF APPROPRIATIONS.—

SEC. 5506. CYBERSECURITY RECRUITMENT AND RETENTION.

SEC. 5507. SHORT COURSE ON EMERGING TECHNOLOGIES AND FOREIGN SERVICE OFFICER LANGUAGE PROFICIENCY.

This Act, the Secretary shall submit a plan to the appropriate congressional committees that—

SEC. 5508. ESTABLISHMENT AND EXPANSION OF REGIONAL TECHNOLOGY OFFICER PROGRAM.

(a) DEFINITIONS.—In this section:

SEC. 5509. VULNERABILITY DISCLOSURE POLICY AND BUG BOUNTY PROGRAM REPORT.

(a) Definitions.—In this section:

1. A list of the hiring authorities available to the Department to recruit and retain personnel with backgrounds in cybersecurity, engineering, data science, application development, artificial intelligence, critical and emerging technology, and technology and digital policy;

2. A list of which hiring authorities described in paragraph (1) have been used during the previous 5 years;

3. The number of employees in qualified positions hired, aggregated by position and grade level or level designation;

4. The number of employees who have been placed in qualified positions, aggregated by bureau and offices within the Department;

5. The rate at which individuals who begin the hiring process and do not complete the process and a description of the reasons for such attrition;

6. The number of individuals who are interviewed by subject matter experts and the number of individuals who are not interviewed by subject matter experts; and

7. Recommendations for—

(A) reducing the attrition rate referred to in paragraph (5) by 5 percent each year;

(B) additional hiring authorities needed to acquire needed personnel;

(C) hiring personnel to hold public trust positions until such personnel can obtain the necessary security clearance; and

(D) informing and training supervisors and hiring managers to improve the hiring process and a description of the reasons for such attrition;

(e) Report.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary shall—

(a) A list of the hiring authorities available to the Department to recruit and retain personnel with backgrounds in cybersecurity, engineering, data science, application development, artificial intelligence, critical and emerging technology, and technology and digital policy;

(b) A list of which hiring authorities described in paragraph (1) have been used during the previous 5 years;

(c) the number of employees in qualified positions hired, aggregated by position and grade level or level designation;

(d) the number of employees who have been placed in qualified positions, aggregated by bureau and offices within the Department;

(e) the rate at which individuals who begin the hiring process and do not complete the process and a description of the reasons for such attrition;

(f) the number of individuals who are interviewed by subject matter experts and the number of individuals who are not interviewed by subject matter experts; and

(g) Recommendations for—

(A) reducing the attrition rate referred to in paragraph (5) by 5 percent each year;

(B) additional hiring authorities needed to acquire needed personnel;

(C) hiring personnel to hold public trust positions until such personnel can obtain the necessary security clearance; and

(D) informing and training supervisors and hiring managers to improve the hiring process and a description of the reasons for such attrition;
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(2) ANNUAL REPORTS.—Not later than 180 days after the establishment of the VDP pursuant to paragraph (1), and annually thereafter for the following 5 years, the Secretary shall submit a report on the VDP to the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives that includes information relating to—
(A) the number and severity of all security vulnerabilities reported;
(B) the number of previously unidentified security vulnerabilities remediated as a result;
(C) the current number of outstanding previously unidentified security vulnerabilities and Departments of State remediation plans;
(D) the average time between the reporting of security vulnerabilities and remediation of such vulnerabilities;
(E) the sources, scope, staffing, roles, and responsibilities within the Department used to implement the VDP and complete security vulnerability remediation;
(F) any challenges in implementing the VDP and plans for expansion or contraction in the scope of the VDP across Department information systems; and
(H) any other topic that the Secretary determines to be relevant.

(c) BUG BOUNTY PROGRAM REPORT.—
(1) NOT LATER THAN 180 DAYS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to Congress that describes any ongoing efforts by the Department or a third-party vendor under contract with the Department to establish or carry out a bug bounty program that identifies security vulnerabilities of internet-facing information technology of the Department.
(2) ANNUAL REPORTS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress that includes information relating to—
(A) the number of approved individuals, organizations, or companies involved in such program disaggregated by the number of approved individuals, organizations, or companies that—
(i) registered;
(ii) were selected as members;
(iii) submitted security vulnerabilities; and
(iv) received compensation;
(B) the number and severity of all security vulnerabilities reported as part of such program;
(C) the number of previously unidentified security vulnerabilities remediated as a result of such program;
(D) the current number of outstanding previously unidentified security vulnerabilities and Departments of State plans for such outstanding vulnerabilities;
(E) the average length of time between the reporting of security vulnerabilities and remediation of such vulnerabilities;
(F) the types of compensation provided under such program;
(G) the lessons learned from such program; and
(H) the public accessibility of contact information for the Department regarding the bug bounty program;
(I) the implementation of bug bounty program identified vulnerabilities into existing Department vulnerability prioritization and management processes; and
(J) any challenges in implementing the bug bounty program and plans for expansion or contraction in the scope of the bug bounty program across Department information systems.

TITLE LVI—PUBLIC DIPLOMACY

SEC. 5601. UNITED STATES PARTICIPATION IN INTERNATIONAL FAIRS AND EXPOSITIONS.

(a) IN GENERAL.—Notwithstanding section 204 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (22 U.S.C. 2452b), and subject to subsection (b), amounts available under title I of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022 (division K of Public Law 117–131), or under prior such Acts, may be made available to pay for expenses related to United States participation in international fairs and expositions abroad, including for construction and operation of pavilions or other major exhibits.

(b) LIMITATION ON SOLICITATION OF FUNDS.—
Senior employees of the Department, in their official capacity, may not solicit funds to pay for expenses related to United States pavilions or other major exhibits at any international exposition or world’s fair registered by the Bureau of International Expositions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated up to $20,000,000 to the Department for United States participation in international fairs and expositions abroad, including for construction and operation of pavilions or other major exhibits.

SEC. 5602. PRESS FREEDOM CURRICULUM.

The Secretary shall ensure that there is a press freedom curriculum for the National Foreign Affairs Training Center that enables Foreign Service officers to better understand issues of press freedom and the tools that are available to journalists and promote freedom of the press norms, which may include—
(1) the historic and current issues facing press freedom, including countries of specific concern;
(2) the Department’s role in promoting press freedom as an American value, a human rights issue, and a national security imperative;
(3) ways to incorporate press freedom promotion into other aspects of diplomacy; and
(4) existing tools to assist journalists in distress and methods for engaging foreign governments and institutions on behalf of individuals engaged in journalistic activity who are at risk.

SEC. 5603. GLOBAL ENGAGEMENT CENTER.

(a) IN GENERAL.—Section 1237(i) of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2606 note) is amended by striking “the date that is 8 years after the date of the enactment of this Act” and inserting “December 31, 2027”.

(b) HIRING AUTHORITY FOR GLOBAL ENGAGEMENT CENTER.—Notwithstanding any other provision of law, the Secretary, during the 5-year period beginning on the date of the enactment of this Act, may hire up to 77 individuals for the functions of the Global Engagement Center described in section 1237(b) of the National Defense Authorization Act for Fiscal Year 2019 (22 U.S.C. 2605 note).

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that identifies—
(A) the number of United States citizens who are involved in relevant junior professional programs in an international organization;
(B) the distribution of individuals described in subparagraph (A) among various international organizations; and
(C) the types of predeployment training that are available for United States citizens through a junior professional program at an international organization.

SEC. 5702. INCREASING HOUSING AVAILABILITY FOR USAGM.

(a) In General.—The United States Agency for Global Media, in consultation with the President of the United States, shall ensure that—
(1) the housing provided for United States employees at the United Nations European headquarters in New York City shall be available for all United States Agency for Global Media employees;
(2) the housing provided for United States employees at the United Nations European headquarters in New York City shall be available for all United States Agency for Global Media employees;
(3) the housing provided for United States employees at the United Nations European headquarters in New York City shall be available for all United States Agency for Global Media employees; and
(4) the housing provided for United States employees at the United Nations European headquarters in New York City shall be available for all United States Agency for Global Media employees.

(b) Exemptions.—The Chief Executive Officer of the United States Agency for Global Media may grant exceptions to the provisions of this section for United States Agency for Global Media employees who are stationed abroad.

SEC. 5703. LIMITATION ON UNITED STATES CONTRIBUTIONS TO PEACEMAKING OPERATIONS NOT AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL.

The United Nations Participation Act of 1945 (22 U.S.C. 2861) is amended by adding at the end the following:

"Sec. 5703. LIMITATION ON UNITED STATES CONTRIBUTIONS TO PEACEMAKING OPERATIONS NOT AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL.

"None of the funds authorized to be appropriated or otherwise made available to pay assessed and other expenses of international peacekeeping operations under this Act may be made available for an international peacekeeping operation that has not been expressly authorized by the United Nations Security Council.".

SEC. 5704. BOARDS OF RADIO FREE EUROPE/ RADIO LIBERTY, RADIO FREE ASIA, THE MIDDLE EAST BROADCASTING NETWORKS, AND THE OPEN TECHNOLOGY FUND.

The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by inserting after section 306 (22 U.S.C. 6205) the following:

"Sec. 307. GRANTEE CORPORATE BOARDS OF DIRECTORS.

"(a) In General.—The corporate board of directors of each grantee under this title—
(1) shall be bipartisan;
(2) shall, except as otherwise provided in this Act, have the sole responsibility to operate their respective grantees within the jurisdiction of their respective States of incorporation within the United States; and
(3) shall be composed of not fewer than 5 members, who shall be qualified individuals who are not employed in the public sector; and
(4) shall appoint successors in the event of vacancies on their respective boards, in accordance with applicable bylaws.

"(b) Non-Federal Employees.—No employee of any grantee under this title may be a Federal employee.".

SEC. 5705. BROADCASTING ENTITIES NO LONGER REQUIRED TO CONSOLIDATE INTO A SINGLE PRIVATE, NONPROFIT CORPORATION.

Section 310 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6209) is repealed.

SEC. 5706. INTERNATIONAL BROADCASTING ACTIVITIES.

Section 305(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended—
(1) by redesignating paragraph (20), and
(2) by redesignating paragraphs (21), (22), and (23) as paragraphs (20), (21), and (22), respectively; and
(3) by adding, as a new paragraph (20), as redesignated, by striking "or between grantees.

SEC. 5707. GLOBAL INTERNET FREEDOM.

(a) STATEMENT OF POLICY.—It is the policy of the United States to promote Internet freedom and programs of the Department and USAID that preserve and expand the Internet as an open, global space for freedom of expression and association, which shall be prioritized for—
(1) those governments restrict freedom of expression on the Internet; and
(2) that are important to the national interest of the United States.

(b) PURPOSE AND COORDINATION WITH OTHER PROGRAMS.—Global internet freedom programs and programs of the Department (including the Open Technology Fund) and USAID that preserve and expand the Internet as an open, global space for the free exchange of ideas; and
(2) that are important to the national interest of the United States.

(c) AFFIRMATIVE ACTIONS.—The Secretary of State shall coordinate and implement strategies to—
(1) counter the development of repressive internet-related laws and regulations, including countering threats to Internet freedom at international meetings;
(2) to combat violence against bloggers and other civil society activists who utilize the Internet; and
(3) to enhance digital security training and capacity building for democracy activists;
(2) shall seek to assist efforts—
(A) to research key threats to Internet freedom;
(B) to continue the development of technologies that provide or enhance access to the Internet, including circumvention tools that bypass internet blocking, filtering, and other censorship techniques used by authoritarian governments; and
(C) to maximize the technological advantage of the Federal Government over the censorship techniques described in subparagraph (B); and
(3) shall be incorporated into country assistance and democracy promotion strategies, as appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2023—
(1) $75,000,000 to the Department and USAID, to continue efforts to promote Internet freedom globally, and shall be matched, to the maximum extent practicable, by sources other than the Federal Government, including the private sector; and
(2) $40,000,000 to the United States Agency for Global Media (referred to in this section as the "USAGM") and its grantees, for Internet freedom and circumvention technologies that are designed—
(A) for open-source tools and techniques to securely develop and distribute digital content produced by the USAGM and its grantees;
(B) to facilitate audience access to such digital content on websites that are censored;
(C) to coordinate the distribution of such digital content to targeted regional audiences; and
(D) to promote and distribute such tools and techniques, including digital security technologies;

(e) USE OF RELEVANT TECHNOLOGIES.—The Secretary of State shall—
(1) as of the date of the report—
(A) the full scope of Internet freedom programs within the USAID, including—
(i) the efforts of the Office of Internet Freedom; and
(ii) the efforts of the Open Technology Fund;
(B) the capacity of Internet censorship circumvention tools supported by the Office of Internet Freedom and grantees of the Open Technology Fund that are available for use by individuals in foreign countries seeking to counteract censors; and
(C) any barriers to the provision of the efforts described in clauses (i) and (ii) of subparagraph (A), including access to surge funding; and
(2) successful examples from the Office of Internet Freedom and Open Technology Fund involving—
(A) responding rapidly to internet shutdowns in closed societies; and
(B) ensuring uninterrupted circumvention services for USAGM entities to promote Internet freedom within repressive regimes.

(f) JOINT REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a joint report, which may include a classified annex, to the appropriate congressional committees that describes—
(1) of the date of the report—
(A) the full scope of Internet freedom programs within the Department and USAID, including—
(i) Department circumvention efforts; and
(ii) USAID efforts to support Internet infrastructure;
(B) the capacity of Internet censorship circumvention tools supported by the Federal Government that are available for use by individuals in foreign countries seeking to counteract censors; and
(C) any barriers to the provision of the efforts enumerated in clauses (1) and (ii) of section (c)(2)(A), including access to surge funding; and
(2) any new resources needed to provide the Federal Government with greater capacity to provide and boost Internet access—
(A) to respond rapidly to Internet shutdowns in closed societies; and
(B) to provide Internet connectivity to foreign locations where the provision of additional Internet access service would promote freedom from repressive regimes.

(g) SECURITY AUDITS.—Before providing any support for open source technologies

SEC. 5708. SPECIAL PROVISIONS.

...
under this section, such technologies must undergo comprehensive security audits to ensure that such technologies are secure and have not been compromised in a manner that is detrimental to the interest of the United States or to the interests of individuals and organizations benefitting from programs supported by such funding. 

(b) Amounts authorized to be appropriated are as follows:

(1) Authorization of Appropriations.—Subject to paragraph (2), there is authorized to be appropriated, in addition to amounts otherwise made available for such purposes, up to $25,000,000 to support internet freedom programs in closed societies, including programs that—

(A) are carried out in crisis situations by vatted entities that are already engaged in internet freedom programs;

(B) involve circumvention tools; or

(C) provide bandwidth for companies that received Federal funding during the previous fiscal year.

(2) Certification.—Amounts authorized to be appropriated pursuant to paragraph (1) may not be expended until the Secretary has certified to the Committee on Appropriations of the House of Representatives and the Select Committee on Appropriations of the Senate, and the Committee on Intelligence of the House of Representatives that the use of such funds is in the national interest of the United States.

(i) Defined Term.—In this section, the term “internet censorship circumvention tool” means a software application or other tool to be developed and sold to evade foreign government restrictions on internet access.

SEC. 5708. ARMS EXPORT CONTROL ACT ALIGNMENT WITH OTHER EXPORT CONTROL REFORM ACT.

Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) is amended—

(1) by striking subsections (c), (d), (e), and (g) of section 11 of the Export Administration Act of 1979, and by subsections (a) and (c) of section 16 of such Act and inserting “subsections (c) and (d) of section 1706 of the Export Control Reform Act of 2018 (50 U.S.C. 4819), and by subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(7), (c), and (h) of section 1701 of such Act (50 U.S.C. 4820)”;

(2) by striking “11(c) of the Export Administration Act of 1979” and inserting “section 1708(c) of the Export Control Reform Act of 2018 (50 U.S.C. 4819)”;

(3) by striking “11(c) of the Export Administration Act of 1979” and inserting “section 1708(c) of the Export Control Reform Act of 2018 (50 U.S.C. 4819)”;

(4) by striking “$50,000,000” and inserting “the greater of $1,200,000 or the amount that is twice the value of the transaction that is the basis of the violation with respect to which the penalty is imposed.”.

SEC. 5709. INCREASING THE MAXIMUM ANNUAL LEASE PAYMENT AVAILABLE WITH REGARD TO THE RECEPTION AREAS.

Section 10(a) of the Foreign Service Buildings Act, 1926 (22 U.S.C. 301(a)), is amended by striking “$50,000” and inserting “$100,000”.

SEC. 5710. REPORT ON UNITED STATES ACCESS TO CRITICAL MINERAL RESOURCES ABROAD.

Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that details, with regard to the Department—

(1) diplomatic efforts to ensure United States access to critical minerals acquired from outside the United States that are used to manufacture clean energy technologies; and

(2) collaboration with other parts of the Federal Government to build a robust supply chain for critical minerals necessary to manufacture clean energy technologies.

SEC. 5711. OVERSEAS UNITED STATES STRATEGIC INFRASTRUCTURE DEVELOPMENT PROJECTS.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the One Belt, One Road Initiative (referred to in this section as “OBOR”) exploits gaps in infrastructure development in developing countries to advance the People’s Republic of China’s own foreign policy objectives;

(2) although OBOR may meet many countries’ short-term strategic infrastructure needs, OBOR—

(A) frequently places countries in debt to the PRC;

(B) contributes to widespread corruption;

(C) often fails to maintain the infrastructure that is built; and

(D) rarely takes into account human rights, labor standards, or the environment, and

(3) the need to challenge OBOR represents a major national security concern for the United States, as the PRC’s efforts to control markets and supply chains for strategic infrastructure projects, including critical and strategic minerals resource extraction, represent a grave national security threat.

(b) Definitions.—In this section—

(1) OBOR.—The term “OBOR” means the One Belt, One Road Initiative, a global infrastructure development strategy initiated by the Government of the People’s Republic of China in 2013.

(2) PRC.—The term “PRC” means the People’s Republic of China.

(c) Assessment of Impact to United States National Security of PRC Infrastructure Projects in the Developing World.—

(1) In General.—The Secretary, in coordination with the Administrator, shall enter into a contract with an independent research organization to prepare the report described in paragraph (2).

(2) Report Elements.—The report described in this paragraph shall—

(A) describe the nature and cost of OBOR investments, operation, and construction of strategic infrastructure projects, including critical and strategic minerals resource extraction, and reflect on the basis of the violation with respect to which the penalty is imposed.”.

SEC. 5713. DIPLOMATIC RECEPTION AREAS.

(a) Defined Term.—In this section, the term “reception areas” has the meaning given such term in section 512(c) of the Department Basic Authorities Act of 1956 (22 U.S.C. 2713(c)).

(b) In General.—The Secretary may sell goods and services and use the proceeds of such sales for administration and related support of the reception areas consistent with section 41(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2713(a)).

(c) Amounts Collected.—Amounts collected pursuant to the authority provided under subsection (b) may be deposited into an account in the Treasury, to remain available until expended for the purposes for which the appropriations were made.

SEC. 5714. CONSULAR AND BORDER SECURITY PROGRAMS VIA SERVICES COST RECOVERY PROVISION.

Section 41(d) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1713) is amended by adding at the end the following: “The amount of the machine-readable visa fee or surcharge under this subsection may also account for the cost of other consular services that are not otherwise subject to a fee or surcharge retained by the Department of State.”.

SEC. 5715. RETURN OF SUPPORTING DOCUMENTS FOR VISA ISSUANCE THROUGH UNITED STATES POSTAL SERVICE CERTIFIED MAIL.

(a) In General.—Not later than 180 days after the date of the enactment of the Immigration and Nationality Act, the Secretary shall establish a procedure that provides, to any individual applying for a new or renewed United States passport or to renew the United States passport individual by individual by mail, the option to have supporting documents for the application returned to the individual through the United States Postal Service through certified mail.

(b) Cost.—

(1) Responsibility.—The cost of returning supporting documents described in subsection (a) shall be the responsibility of the individual.
(2) Fee.—The fee charged to the individual by the Secretary for returning supporting documents as described in subsection (a) shall be the sum of—
(A) the official duty station of the covered employee was reallocated following the closure of diplomatic posts in Afghanistan in August 2021; and
(B) the extent to which Department personnel and resources for Mission Iraq were reallocated following the closure of diplomatic posts in March 2020, and how such resources were reallocated.

SEC. 5717. ELIMINATION OF OBSOLETE REPORTS.
(a) ELIMINATION OF EFFECTIVENESS OF THE AUSTRALIA GROUP.—Section 27(b) of Senate Resolution 75 (106th Congress) is amended by striking subparagraph (C).
(b) ELIMINATION OF THE TALIBAN.—Section 704(a)(4) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Public Law 111–32), as amended by striking “‘the following purposes’” and all that follows through “(B)’.
(c) PLANS TO IMPLEMENT THE GANDHI-KING SCHOLARLY EXCHANGE INITIATIVE.—The Gandhi-King Scholarly Exchange Initiative Act (subtitle D of title III of division FF of Public Law 116–260) is amended by striking section 336.
(d) PROGRESS REPORT ON JERUSALEM EMBASSY MOVEMENT.—Section 2462 note of this Act is amended by striking section 2462.
(e) BURMA’S TIMBER TRADE.—The Tom Lantos Black Burkina Kade (Junta’s Anti-Democratic Efforts) Act of 2008 (Public Law 110–236; 50 U.S.C. 1701 note) is amended by striking section D.
(f) MONITORING OF ASSISTANCE FOR AFGHANISTAN.—Section 103 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513) is amended by striking subsection (d).
(g) PRESIDENTIAL ANTI-PEDOPHILIA CERTIFICATION.—Section 102 of the Foreign Relations Authorization Act, Fiscal Years 2019 and 2020 (Public Law 116–113) is amended by striking “subsection (d).”

SEC. 5718. LOCALITY PAY FOR FEDERAL EMPLOYEES WORKING OVERSEAS UNDER DOMESTIC EMPLOYEE TELEWORKING OVERSEAS AGREEMENTS.
(a) DEFINITIONS.—In this section:
(1) CIVIL SERVICE.—The term “civil service” has the meaning given the term in section 201 of the United States Civil Service Act.
(2) COVERED EMPLOYEE.—The term “covered employee” means an employee who—
(A) occupies a position in the civil service; and
(B) is working overseas under a Domestic Employee Teleworking Overseas agreement.

SEC. 5719. REPORT ON DISTRIBUTION OF PERSONNEL AND RESOURCES RELATED TO ORDERED DEPARTURES AND POST CLOSURES.
Not later than 60 days after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that describes—
(1) how Department personnel and resources dedicated to Mission Afghanistan were reallocated following the closure of diplomatic posts in Afghanistan in August 2021; and
(2) the extent to which Department personnel and resources for Mission Iraq were reallocated following the closure of diplomatic posts in March 2020, and how such resources were reallocated.

SEC. 5720. REPORT ON COUNTERING THE ACTIVITIES OF MALIGN ACTORS.
(a) DEFINITIONS.—In this section:
(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the
"(2) is a current or former government official, or a person acting for or on behalf of such an official, who is responsible for or complicit in, or has directly or indirectly engaged in—
(A) corruption, including—
(i) the misappropriation of state assets;
(ii) the expropriation of private assets for personal gain;
(iii) corruption related to government contracts or the extraction of natural resources; or
(iv) bribery; or
(B) the transfer or facilitation of the transfer of the proceeds of corruption;
(C) who has been subjected to an order of—
(A) an entity, including a government entity, that has engaged in, or whose members have engaged in, any of the activities described in paragraph (1) or (2) that is conducted by a foreign person; or
(B) an entity whose property and interests in property are blocked pursuant to this section as a result of activities related to the tenure of the leader or official; or
(D) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of—
(ii) bribery; or
(iii) corruption related to government contracts or the extraction of natural resources;
(2) requests by congress.—Subsection (d)(2) of such section is amended by inserting “‘corruption and’” after “monitor”.
(3) REQUIREMENTS.—A request under paragraph (1) with respect to whether a foreign person has engaged in an activity described in subsection (a) shall be submitted to the President in writing jointly by the chairperson and ranking member of one of the appropriate congressional committees.

SEC. 5721. MONITORING OF SANCTIONS WITH RESPECT TO HUMAN RIGHTS VIOLATIONS.
(a) SENSE OF CONGRESS.—(1) IN GENERAL.—The Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10101 et seq.) is amended by inserting after section 1262 the following:
"SEC. 1262A. SENSE OF CONGRESS.
"(1) It is the sense of Congress that the President should establish and regularize information sharing and decision-making with like-minded governments possessing human rights and anti-corruption sanctions programs similar in nature to those authorized under this subtitle.
"(2) CLEMICAL AMENDMENT.—The table of contents in section 2(b) and in title XII of division A of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) are each amended by striking the items relating to section 1282 the following:
"SEC. 1262A. Sense of Congress.
"(b) IMPOSITION OF SANCTIONS.—(1) IN GENERAL.—Section 1283(a) of the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10103(a)) is amended—
(A) in paragraph (5), by striking ‘‘;’’ and inserting a semicolon;
(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and
(C) by adding at the end the following:
"(7) a description of additional steps taken by the President through diplomacy, international norm-setting, or targeted sanctions against foreign or security actors to address persistent underlying causes of conduct giving rise to the imposition of sanctions under this section, which shall in no event be less than the level of sanctions under this section.
"(8) a description of additional steps taken by the Secretary to ensure the pursuit of judicial accountability in appropriate jurisdiction.
"(9) a description of additional steps taken by the President with respect to sanctions subject to sanctions under this section.”.

SEC. 5722. REPORT ON COUNTERING THE ACTIVITIES OF MALIGN ACTORS.
regarding the report required under subsection (b) shall jointly brief Congress relative to designating under section 517(b) of such Act (2 U.S.C. 2321k(b)) as a major non-North Atlantic Treaty Organization ally. Such third-country training shall be clearly identified and insertion of the report submitted pursuant to such section 656.

(2) DISTRIBUTION OF REPORT.—section 656(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k(e)) is amended as follows:

\( \text{\textit{\textbf{WASHINGTON, D.C., \textit{October 11, 2022}}}} \)

For the purposes of implementing section 656 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k), the term "military training provided to foreign military personnel of the Department of Defense and the Department of State" shall be deemed to include all military training provided by foreign governments with funds appropriated by the House of Representatives, the Senate, or the Department of State, except for training provided by the government of a country

(3) USAID CIVIL SERVICE ANNUNCIATOR WAIVER.—Section 625(j)(1)(B) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)(B)) shall be applied by striking "(October 1, 2010)" and inserting "(September 30, 2024)"

(4) OVERSEAS PAY COMPARABILITY AND LIMITATION.—

(A) in general.—The authority provided by section 624(c)(6) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(c)(6)) and section 656(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k(e)) shall be applied by inserting "of this section'' and all that follows.

(B) LIMITATION.—The authority described in subparagraph (A) may not be used to pay an eligible member of the Foreign Service (as defined in section 1115(b) of the Supplemental Appropriations Act, 2009 (Public Law 111-32)) a locality-based comparability payment (stated as a percentage) that exceeds two-thirds of the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member after section 5304 of title 5, United States Code, if such member's official duty station were in the District of Columbia.

(5) INSPECTOR GENERAL, ANNUNCIATOR WAIVER.—The authorities provided in section 1015(b) of the Supplemental Appropriations Act, 2010 (Public Law 111-32) shall remain in effect through September 30, 2024.

(6) AGGREGATE LIMITATION.—The aggregate limitation established in section 5305(a) of the Homeland Security Act of 2002 (6 U.S.C. 305(a)) shall remain in effect through September 30, 2024.

(7) DIPLOMATIC PAY COMPARABILITY AND LIMITATION.—The authority provided by section 1015(b) of the Supplemental Appropriations Act, 2010 (Public Law 111-32) shall remain in effect through September 30, 2024.

(8) DIPLOMATIC PAY COMPARABILITY AND LIMITATION.—The authority provided by section 1015(b) of the Supplemental Appropriations Act, 2010 (Public Law 111-32) shall remain in effect through September 30, 2024.

(9) DIPLOMATIC PAY COMPARABILITY AND LIMITATION.—The authority provided by section 1015(b) of the Supplemental Appropriations Act, 2010 (Public Law 111-32) shall remain in effect through September 30, 2024.
(C) 1 member shall be appointed by the ranking member of the Committee on Foreign Relations of the Senate;
(D) 1 member shall be appointed by the chairperson of the Committee on Foreign Affairs of the House of Representatives;
(E) 1 member shall be appointed by the ranking member of the Committee on Foreign Affairs of the House of Representatives;
(F) 1 member shall be appointed by the majority leader of the Senate, who shall serve as co-chair of the Commission;
(G) 1 member shall be appointed by the Speaker of the House of Representatives;
(H) 1 member shall be appointed by the minority leader of the Senate, who shall serve as co-chair of the Commission; and
(I) 1 member shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS; MEETINGS.—

(A) MEMBERSHIP.—The members of the Commission should be prominent United States citizens, with national recognition and significant depth of experience in international relations and with the Department. (B) POLITICAL PARTY AFFILIATION.—Not more than 3 members of the Commission may be from the same political party.

(C) MEETINGS.—

(I) INITIAL MEETING.—Not later than 45 days after the date of the enactment of this Act, the Commission shall hold the first meeting and begin operations as soon as practicable.

(II) FREQUENCIES.—The Commission shall meet at the call of the co-chairs.

(III) QUORUM.—Six members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(D) VACANCIES.—Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner as the original appointment.

(3) FUNCTIONS OF COMMISSION.—

(A) IN GENERAL.—In order to inform its work, the Commission shall have access to classified information that were written during the 15-year period ending on the date of the enactment of this Act by independent organizations and outsiders relating to the work of the Commission. (B) STAFF AND COMPENSATION.—

(C) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The co-chairs of the Commission may procure temporary and intermittent services under section 5703(b) of title 5, United States Code, for each member of the over 60 percent of individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) MEMBERS.—

(A) COMPENSATION.—

(I) IN GENERAL.—Except as provided in paragraph (2), each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of 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 under this section.

(ii) WAIVER OF CERTAIN PROVISIONS.—Subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4061) are waived for an ammunia on a temporary basis so as to be compensated for work performed as part of the Commission.

(3) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of service for the Commission, members and staff of the Commission, and any Federal Government employees detailed to the Commission, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(4) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—The appropriate Federal agencies or department with the Commission in expeditiously providing to Commission members and staff appropriate security clearances to the extent possible pursuant to subsection (a), regulations, and requirements, except that no person shall be provided access to classified information under this section without the appropriate security clearances.

(h) REPORT.—

(I) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit a report to the President and to Congress that—

(A) examines all substantive aspects of Department personnel, management, and operations; and

(B) contains such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(2) ELEMENTS.—The report required under paragraph (1) shall include findings, conclusions, and recommendations related to—

(A) the organizational structure of the Department, including recommendations on whether any of the jurisdictional responsibilities among the bureaus referred to in sub-sections (a) and (b) shall be transferred to another bureau or to any other bureau as may be necessary to advance United States efforts to strengthen its diplomatic engagement in the Indo-Pacific region; and

(B) personnel-related matters, including recruitment, promotions, the retention of the Department’s workforce in order to retain the best and brightest personnel and foster effective diplomacy worldwide, in¬clusion to ensure that the Department’s workforce represents all of America;
(C) the Department of State’s infrastructure (both domestic and overseas), including infrastructure relating to information technology, transportation, and security;
(D) the diplomatic, consular, and defense, development, commercial, health, law enforcement, and other core United States interests;
(E) legislation that authorizes United States diplomacy;
(F) related regulations, rules, and processes that define United States diplomatic efforts, including the Foreign Affairs Manual;
(G) treaties that impact United States overseas presence;
(H) any other areas that the Commission considers necessary for a complete appraisal of United States diplomacy and Department management and operations; and
(i) the amount of time, manpower, and financial resources that would be necessary to implement the recommendations specified under this paragraph.

(3) DEPARTMENT RESPONSE.—The Secretary, in coordination with the heads of appropriate Federal departments and agencies, shall have the right to review and respond to all Commission recommendations—
(A) before the Commission submits its report to the President and to Congress; and
(B) not later than 90 days after receiving such recommendations from the Commission.

(1) TERMINATION OF COMMISSION.—
(i) The Commission, and all the authorities under this section, shall terminate on the date that is 60 days after the date on which the final report is submitted pursuant to subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purposes specified in its conclusion activities, including providing testimony to committees of Congress concerning its reports and disseminating the report.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated up to $2,000,000 for fiscal year 2023 to carry out this section.

SA 6446. Mr. REED (for Mr. CORNYN (for himself and Mr. WHITEHOUSE)) submitted an amendment intended to be proposed as amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 4—TREATMENT OF EXEMPTIONS UNDER FARA.

(a) DEFINITION.—Section 1 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611) is amended by adding at the end the following:
"(q) The term ‘country of concern’ means—
'(1) the People’s Republic of China;
'(2) the Russian Federation;
'(3) the Islamic Republic of Iran;
'(4) the Democratic People’s Republic of Korea;
'(5) the Republic of Cuba; and
'(6) the Syrian Arab Republic.

(b) PROVISION.—Section 3 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 613), is amended, in the matter preceeding subsection (a), by inserting ‘‘, except that the exemptions under subsections (d)(1) and (h) shall not apply to any agent of a foreign principal that is a country of concern” before the period at the end.

(c) SUNSET.—The amendments made by subsections (a) and (b) shall terminate on October 1, 2025.

SA 6447. Mr. REED (for Mr. MENENDEZ) submitted an amendment intended to be proposed as amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

DIVISION F—MATTERS RELATED TO TAIWAN

SEC. 10001. SHORT TITLE.

This division may be cited as “Matters Related to Taiwan”

TITLE I—IMPLEMENTATION OF AN ENHANCED DEFENSE PARTNERSHIP BETWEEN THE UNITED STATES AND TAIWAN

SEC. 10101. MODERNIZING TAIWAN’S SECURITY CAPABILITIES TO DETER AND, IF NECESSARY, DEFEND AGAINST THE PEOPLE’S REPUBLIC OF CHINA.

(a) TAIWAN SECURITY PROGRAMS.—The Secretary of State, in consultation with the Secretary of Defense, shall use the authorities under this section to strengthen the United States-Taiwan defense relationship, and to support the acceleration of the modernization of Taiwan’s defense capabilities, consistent with the Taiwan Relations Act (Public Law 96-8).

(b) PURPOSE.—In addition to the purposes otherwise authorized for Foreign Military Financing programs under the Arms Export Control Act (22 U.S.C. 2751 et seq.), a purpose of the Foreign Military Financing Program should be to provide assistance, including equipment, training, and other support, to build the civilian and defensive military capabilities of Taiwan.

(1) to accelerate the modernization of self-defense capabilities that will enable Taiwan to delay, degrade, and deny attempts by People’s Liberation Army forces—
(A) to conduct coercive or grey zone activities;
(B) to blockade Taiwan; or
(C) to secure by force or by control and occupation of any islands administered by Taiwan and otherwise use such lodgment to seize control of a population center or other key territory in Taiwan; and
(2) to prevent the People’s Republic of China from decapitating, seizing control of, or otherwise neutralizing or rendering ineffective Taiwan’s civilian and defense leadership.

(c) REGIONAL CONTINGENCY STOCKPILE.—Of the amounts authorized to be appropriated pursuant to section (g), not more than $100,000,000 may be expended during each of the fiscal years 2023 through 2023 to maintain a stockpile (if published under section 10002), in accordance with section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), as amended by section 10002.

(d) ROYAL THAI NAVY BASES.

(1) ANNUAL SPENDING PLAN.—Not later than March 1, 2023, and annually thereafter, the Secretary of State, in coordination with the Secretary of Defense, shall submit a plan to the appropriate committees of Congress describing how amounts authorized to be appropriated pursuant to (g), if made available, would be used to achieve the purpose described in subsection (b).

(2) CERTIFICATION.—(A) IN GENERAL.—Amounts authorized to be appropriated for each fiscal year pursuant to subsection (g) are authorized to be made available after the Secretary of State, in coordination with the Secretary of Defense, certifies not less than annually to the appropriate committees of Congress that Taiwan has increased its defense capabilities relative to Taiwan’s defense spending in its prior fiscal year, which may include support for an asymmetric strategy, excepting accounts in the Defense budget related to personnel, education and training expenditure. (other than military training and education and any funding related to the All-Out Defense Mobilization Agency).

(B) WAIVER.—The Secretary of State may waive the certification requirement under subparagraph (A) if the Secretary, in consultation with the Secretary of Defense, certifies to the Committees on Appropriations of the Senate, the Committee on Armed Services of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Appropriations of the House of Representatives that—
(i) Taiwan is unable to increase its defense spending relative to its defense spending in its prior fiscal year due to severe hardship; and
(ii) making available the amounts authorized under subparagraph (A) is in the national interests of the United States.

(3) REMAINING FUNDS.—Amounts authorized to be appropriated for a fiscal year pursuant to subsection (g) that are not obligated and expended during such fiscal year shall be added to the amount that may be used for Foreign Military Financing to Taiwan in the subsequent fiscal year.

(e) ANNUAL REPORT ON ADVANCING THE DEFENSE OF TAIWAN.

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, “appropriate congressional committees” means—
(A) the Committee on Foreign Relations of the Senate;
(B) the Committee on Armed Services of the Senate;
(C) the Committee on Foreign Affairs of the House of Representatives; and
(D) the Committee on Armed Services of the House of Representatives.

(2) INITIAL REPORT.—Concurrently with the first certification required under subsection (d)(2), the Secretary of State and the Secretary of Defense shall jointly submit a report to the appropriate congressional committees that describes—
(i) the United States-Taiwan defense relationship and Taiwan’s modernization of its defense capabilities;
(ii) matters to be included.—Each report required under paragraph (2) shall include—
(A) an assessment of the commitment of Taiwan to implement a military strategy that will deter and, if necessary, defeat militray aggression by the People’s Republic of China, including the steps that Taiwan has taken and the steps that Taiwan has not taken towards such implementation;
(B) an assessment of the efforts of Taiwan to acquire and employ within its forces counterintervention capabilities, including—
(P) long-range precision weapons;
(P) integrated air and missile defense systems;
(iii) anti-ship cruise missiles; 
(iv) land-attack cruise missiles; 
(v) coastal defense; 
(vi) anti-armor; 
(vii) close-in warfare; 
(viii) survivable swarming maritime assets; 
(ix) manned and unmanned aerial systems; 
(x) cyber defense; 
(xi) intelligence, surveillance, and reconnaissance capabilities; 
(xii) command and control systems; and 
(xiii) other defense capabilities that the United States and Taiwan jointly determine are crucial to the defense of Taiwan; 
(C) an evaluation of the balance between conventional forces and resources, and counterintervention capabilities in the defense force of Taiwan as of the date on which the report is submitted; 
(D) an assessment of steps taken by Taiwan to enhance the overall readiness of its defense forces, including— 
(i) the extent to which Taiwan is requiring and providing regular and relevant training to its forces; 
(ii) the extent to which such training is realistic to the security environment that Taiwan faces; and 
(iii) the efficiency of the financial and budgetary resources Taiwan is putting toward readiness of such forces; 
(E) an assessment of steps taken by Taiwan to boost its civilian defenses, including— 
(i) the severity of manpower shortages in the military of Taiwan, including in the reserve forces; 
(ii) the impact of such shortages in the event of a conflict scenario; and 
(iii) the efforts made by Taiwan to address such shortages; 
(G) an assessment of the efforts made by Taiwan to boost its civilian defenses, including any informational campaigns to raise awareness among the population of Taiwan of the risks Taiwan faces; 
(H) an assessment of the efforts made by Taiwan to secure its critical infrastructure, including in transportation, telecommunications networks, and energy; 
(I) an assessment of the efforts made by Taiwan to secure its critical infrastructure, including in transportation, telecommunications networks, and energy; 
(J) an assessment of any significant gaps in any of the matters described in subparagraphs (A) through (I) with respect to which the United States assesses that additional action is needed; 
(K) a description of cooperative efforts between the United States and Taiwan on the matters described in subparagraphs (A) through (J); and 
(L) a description of any resistance in Taiwan to— 
(i) implementing the matters described in subparagraphs (A) through (I); or 
(ii) United States support or engagement with regard to such matters. 
(4) SUBSEQUENT REPORTS.—Concurrently with subsequent certifications required under subsection (d)(2), the Secretary of State and the Secretary of Defense shall jointly submit updates to the initial report required under paragraph (2) that provides a description of changes and developments that occurred in the prior year. 
(5) FORM.—The reports required under paragraphs (2) and (4) shall be submitted in classified form, but shall include a detailed unclassified summary. 
(6) SHARING OF SUMMARY.—The Secretary of State and the Secretary of Defense shall jointly make available the unclassified summary required under paragraph (5) with Taiwan, as appropriate.
NATO allies on such southern and southeastern flank.’”.

(d) ANNUAL BRIEFING.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 7 years, the President shall provide a briefing to the appropriate committees of Congress regarding the state of contingency stockpile established under subsection (b).

SEC. 10103. INTERNATIONAL MILITARY EDUCATION AND TRAINING COOPERATION WITH TAIWAN.

The Secretary of State is authorized to provide training and education to relevant entities in Taiwan through the International Military Education and Training program (22 U.S.C. 2347 et seq).

SEC. 10104. ADDITIONAL AUTHORITIES TO SUPPORT GREAT POWER BEARING TAIWAN.

(a) DRAWDOWN AUTHORITY.—Section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)) is amended, insert the following paragraph:

“(3) In addition to amounts already specified in this section, the President may direct the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value of not to exceed $1,000,000,000 per fiscal year provided to Taiwan.

(b) EMERGENCY AUTHORITY.—In section 552(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(c)) at the end of that section, the following is added:

“(ii) the Secretary of State determines and certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the threat to Taiwan has significantly abated.

SEC. 10105. MULTI-YEAR PLAN TO FULFILL DEFENSE REQUIREMENTS OF MILITARY FORCES OF TAIWAN AND MODIFICATION OF ANNUAL REPORT ON TAIWAN MILITARY CAPABILITIES AND INTELLIGENCE SUPPORT.

(a) MULTI-YEAR PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall engage for the purposes of establishing a joint consultative mechanism with appropriate officials of Taiwan to develop a multi-year plan to provide for the acquisition of appropriate defense capabilities by Taiwan and to engage with Taiwan in a series of combined training, exercises, and activities consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.).

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

(1) An identification of the defense military capability gaps and capacity shortfalls of Taiwan that are required to—

(A) allow Taiwan to respond effectively to aggression by the People’s Liberation Army or other actors from the People’s Republic of China; and

(B) advance a strategy of denial, reduce the threat of conflict, thwart an invasion, and mitigate other risks to the United States and Taiwan.

(2) An assessment of the relative priority assigned by appropriate departments and agencies of Taiwan to include its military to address such capability gaps and capacity shortfalls.

(3) An explanation of the annual resources committed by Taiwan to address such capability gaps and capacity shortfalls.

(4) A description and justification of the relative importance of overcoming each identified capability gap and capacity shortfall for the purpose of deterring or defeating military aggression by the People’s Republic of China;

(5) An assessment of—

(A) the capability gaps and capacity shortfalls that could be addressed in a sufficient and timely manner by Taiwan; and

(B) the capability gaps and capacity shortfalls that are unlikely to be addressed in a sufficient and timely manner solely by Taiwan.

(6) An assessment of the capability gaps and capacity shortfalls described in paragraph (5)(B) that could be addressed in a sufficient and timely manner by—

(A) the Foreign Military Financing, Foreign Military Sales, and Direct Commercial Sales programs of the Department of Defense; (B) any other programs authorized by chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.); (C) the provision of excess defense articles pursuant to the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.); and

(D) the provision of excess defense articles not to exceed $1,000,000,000 per fiscal year provided to Taiwan.

(7) An identification of United States or Taiwan engagement with other countries that could assist in addressing in a sufficient and timely manner the capability gaps and capacity shortfalls identified pursuant to paragraph (6).

(8) An identification of opportunities to build interoperability, combined readiness, joint planning capability, and shared situational awareness between the United States, Taiwan, and other foreign partners and allies, as appropriate, through combined training, exercises, and planning events, including—

(A) table-top exercises and wargames that allow operational commands to improve joint and combined planning for contingencies involving a well-equipped adversary in a counter-intervention campaign;

(B) joint and combined exercises that test the feasibility of counter-intervention strategies, develop interoperability across services, and develop the lethality and survivability of combined forces against a well-equipped adversary;

(C) logistics exercises that test the feasibility of expeditionary logistics in an extended campaign with a well-equipped adversary;

(D) service- to-service exercise programs that build functional mission skills for addressing challenges posed by a well-equipped adversary in a counter-intervention campaign; and

(E) any other combined training, exercises, or other military forces that the Secretary of Defense and Secretary of State consider relevant.

(9) An identification of options for the need to modify and improve existing interagency, joint, and combined exercises, and training, as appropriate, through combined training, exercises, and planning events for the purpose of enhancing combined military capability.

(10) A description of United States or Taiwan missile defense and counter-intervention capacity shortfalls that could be addressed in sufficient and timely manner by—

(A) the Foreign Military Financing, Foreign Military Sales, and Direct Commercial Sales programs of the Department of Defense; (B) any other programs authorized by chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.); (C) the provision of excess defense articles pursuant to the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.); and

(D) any other defense articles and services authorized by Congress pursuant to sections 3, 21, or 36 of the Arms Export Control Act (22 U.S.C. 2751, 2761, or 2776); or

(E) any other defense articles and services authorized by Congress pursuant to sections 3, 21, or 36 of the Arms Export Control Act (22 U.S.C. 2751, 2761, or 2776) with a total value of $25,000,000 or more.

(11) A description of United States or Taiwan military capability gaps that may be transferred to Taiwan during a crisis or conflict;

(12) An identification of options for the need to modify and improve existing interagency, joint, and combined exercises, and training, as appropriate, through combined training, exercises, and planning events for the purpose of enhancing capability gaps and capacity shortfalls described in paragraph (11).

(13) A description and justification of the relative importance of overcoming each identified capability gap and capacity shortfall for the purpose of deterring or defeating military aggression by the People’s Republic of China;

(14) A description of United States or Taiwan missile defense and counter-intervention capacity shortfalls that could be addressed in sufficient and timely manner by—

(A) the Foreign Military Financing, Foreign Military Sales, and Direct Commercial Sales programs of the Department of Defense; (B) any other programs authorized by chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.); (C) the provision of excess defense articles pursuant to the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.); and

(D) any other defense articles and services authorized by Congress pursuant to sections 3, 21, or 36 of the Arms Export Control Act (22 U.S.C. 2751, 2761, or 2776) with a total value of $25,000,000 or more.

SEC. 10106. FAST-TRACKING SALES TO TAIWAN UNDER FOREIGN MILITARY SALES PROGRAM.

(a) PRECLEARANCE OF CERTAIN FOREIGN MILITARY SALES ITEMS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall, in coordination with the Secretary of Defense, and in conjunction with coordinating entities such as the National Disclosure Policy Committee, the Arms Transfer and Technology Release Senior Steering Group, and other appropriate entities, shall compile a list of available and emerging military platforms, technologies, and equipment that are pre-cleared and prioritized for sale and release to Taiwan through the Foreign Military Sales program.

(2) PRECLEARANCE ITEMS.—

(A) RULE OF CONSTRUCTION.—The list compiled pursuant to paragraph (1) shall not be construed as limiting the type, timing, or quantity of items that may be requested by, or sold to, Taiwan under the Foreign Military Sales program.

(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to waive the congressional notification requirements as required by the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(C) PRIORITIZED PROCESSING OF FOREIGN MILITARY SALES REQUESTS FROM TAIWAN.—

(1) REQUIREMENT.—The Secretary of State and the Secretary of Defense shall prioritize and expedite the processing of requests for arms sales to Taiwan under the Foreign Military Sales program, and may not delay the processing of requests for bundling purposes.

(2) DURATION.—The requirement under paragraph (1) shall continue until the Secretary of State determines and certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the threat to Taiwan has significantly abated.

(b) INTELLIGENCE POLICY.—The Secretary of State and the Secretary of Defense shall jointly review and update interagency policy implementation guidance related to Foreign Military Sales requests from Taiwan, including incorporating the preclearance provisions of this section.

SEC. 10107. EXPEDITING DELIVERY OF ARMS EXPORTS TO TAIWAN AND UNITED STATES ALLIES IN THE INDO-PACIFIC.

(a) REPORT REQUIRED.—Not later than March 1, 2023, and annually thereafter for a period of 5 years, the Secretary of State, in consultation with the Secretary of Defense, shall transmit to the appropriate committees of Congress a report with respect to the transfer of all defense articles or defense services that have yet to be completed pursuant to the authorities provided by—

(1) section 3, 21, or 36 of the Arms Export Control Act (22 U.S.C. 2753, 2761, or 2776); or

(2) the Foreign Military Sales Act of 1961 (22 U.S.C. 2321j(c)(2)).

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

(1) A list of all approved transfers of defense articles and services authorized by Congress pursuant to sections 3 and 21 of the Arms Export Control Act (22 U.S.C. 2753, 2761, or 2776) and approved under the Foreign Military Sales Act of 1961 (22 U.S.C. 2321j(c)(2)) with a total value of $25,000,000 or more, to Taiwan, Japan, South Korea, Australia,
delivery timelines for the transfers listed pursuant to paragraph (1).
(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—
(1) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and
(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.
(d) FOIA.—The information required under subsection (b) shall be submitted in unclassified form but may include a classified annex.

SEC. 10108. ASSESSMENT OF TAIWAN'S NEEDS FOR CIVILIAN DEFENSE AND RESILIENCE
(a) ASSESSMENT REQUIRED.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall prepare an assessment identifying how the Department of Defense, in coordination with the National Intelligence Community and the Secretary of State, shall ensure that—
(1) an intelligence assessment regarding—
(A) conventional military and nuclear threats to Taiwan from China, including exercises, patrols, and presence intended to intimidate or coerce Taiwan; and
(B) irregular warfare activities, including influencing operations, conducted by China to interfere in or undermine the peace and stability of the Taiwan Strait.
(2) The current military capabilities of Taiwan and the ability of Taiwan to defend itself from external conventional and irregular military threats across a range of scenarios.

(b) The assessment required under paragraph (a) shall include—
(1) an analysis of Taiwan’s needs for enhancing its military capabilities to—
(A) maintain and assure essential communications in peacetime, including through co-development or co-production of solutions to such gaps and shortfalls;
(B) mitigate threats to Taiwan’s military capabilities identified pursuant to subparagraph (B); and
(C) other defense needs and considerations at the provincial, city, and neighborhood levels;
(2) an analysis of the areas and means through which the United States and its allies and partners can be effective in deterring, defeating, or delaying military aggression by the People’s Republic of China, a prioritized list of capability gaps and capacity shortfalls of the military forces of Taiwan, including—
(A) an identification of—
(i) any United States, Taiwan, or ally or partner country defense production timeline challenge related to potential material and solutions to such capability gaps;
(ii) the associated investment costs of enabling expanded production for items currently at maximum production;
(iii) the associated investment costs of, or mitigation strategies for, enabling export for items currently not exportable; and
(iv) existing stocks of such capabilities in the United States and allied and partner countries;
(3) an analysis of ongoing interagency efforts to support attainment of operational capability of the corresponding defense articles and services once delivered, including—
(A) an intelligence assessment regarding—
(i) any United States, Taiwan, or ally or partner country defense production timeline challenge related to potential material and solutions to such capability gaps;
(ii) the associated investment costs of, or mitigation strategies for, enabling export for items currently not exportable; and
(iii) existing stocks of such capabilities in the United States and allied and partner countries;
(4) a description of ongoing interagency efforts to support attainment of operational capability of the corresponding defense articles and services once delivered, including—
(A) an intelligence assessment regarding—
(i) any United States, Taiwan, or ally or partner country defense production timeline challenge related to potential material and solutions to such capability gaps;
(ii) the associated investment costs of, or mitigation strategies for, enabling export for items currently not exportable; and
(iii) existing stocks of such capabilities in the United States and allied and partner countries;
(5) identify the areas and means through which the United States and other countries can enhance their capacity to provide training, exercises, and assistance at all levels to support the needs discovered through the assessment and fill any critical gaps where capacity falls short;
(c) SHARING OF REPORT.—The assessment required under subsection (a) shall be shared with appropriate officials of Taiwan to facilitate cooperation.

SEC. 10109. ANNUAL REPORT ON TAIWAN DEFENSIVE MILITARY CAPABILITIES AND INTELLIGENCE SUPPORT
Section 1238 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 135) is amended to read as follows:

"SEC. 1238. ANNUAL REPORT ON TAIWAN DEFENSIVE MILITARY CAPABILITIES AND INTELLIGENCE SUPPORT.
(a) IN GENERAL.—The Secretary of State and the Secretary of Defense, in coordination with the heads of other relevant Federal departments and agencies, shall jointly each year through fiscal year 2027, consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3302(c)), perform an annual assessment of Taiwan’s defense military capabilities, and how defensive military shortfalls or vulnerabilities of Taiwan could be mitigated through cooperation, modernization, or integration. At a minimum, the assessment shall include the following:

(1) An intelligence assessment regarding—
(A) conventional military and nuclear threats to Taiwan from China, including exercises, patrols, and presence intended to intimidate or coerce Taiwan; and
(B) irregular warfare activities, including influencing operations, conducted by China to interfere in or undermine the peace and stability of the Taiwan Strait.

(2) The current military capabilities of Taiwan and the ability of Taiwan to defend itself from external conventional and irregular military threats across a range of scenarios.

(3) The interoperability of current and future defensive capabilities of Taiwan with the military capabilities of the United States and its allies and partners.

(4) The plans, tactics, techniques, and procedures underpinning an effective defense strategy for Taiwan, including how address-
such gaps and shortfalls within its overall defense budget.

"(7) The applicability of Department of State and Department of Defense authorities for improving the United States and military capabilities of Taiwan in a manner consistent with the Taiwan Relations Act.

"(8) A description of any security assistance provided to the Government of the People's Republic of China, its military or civilian counterparts, or other persons or entities in Taiwan.

"(9) A description of each engagement between the United States and Taiwan that is related to planning over the past year.

"(10) With respect to each to training and exercises—

(A) a description of each such instance over the past year;

(B) a description of how each such instance—

(i) sought to achieve greater interoperability, improved readiness, joint planning capability, and shared situational awareness between the United States and Taiwan, or among the United States, Taiwan, and other countries;

(ii) familiarized the militaries of the United States and Taiwan with each other; and

(iii) improved Taiwan's defense capabilities—

(i) A description of the areas and means through which the United States is assisting and supporting training, exercises, and assistance to support Taiwan's requirements related to civilian defense and resilience, and how the United States is seeking to assist Taiwan in addressing any critical gaps where capacity falls short of meeting such requirements; and these elements identified in the assessment required by [section 10100 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023].

(ii) An assessment of the implications of current levels of pre-positioned war reserve materiel on the ability of the United States to respond to a crisis or conflict involving Taiwan with respect to—

(A) providing military or non-military aid to Taiwan; and

(B) sustaining military installations and other infrastructure of the United States in the Indo-Pacific region.

(iii) An assessment of the current intelligence, surveillance, and reconnaissance capabilities of Taiwan, including any existing gaps in such capabilities and investments in such capabilities by Taiwan since the preceding report.

(iv) A summary of changes to pre-positioned war reserve materiel of the United States in the Indo-Pacific region since the preceding report.

(v) Any other matters the Secretary of Defense or the Secretary of State considers appropriate.

"(b) PLAN.—The Secretary of Defense and the Secretary of State shall jointly develop a plan for assisting Taiwan in improving its defensive military capabilities and addressing vulnerabilities identified pursuant to subsection (a) that includes—

"(1) recommendations, if any, for new Department of State or Department of Defense authorities, or modifications to existing Department of State or Department of Defense authorities, necessary to improve the defensive military capabilities of Taiwan in a manner consistent 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 with United States personnel and military and civilian counterparts in Taiwan; and

"(3) an identification of challenges and opportunities for leveraging authorities, resources, and capabilities outside the Department of Defense and the Department of State to improve the defensive capabilities of Taiwan in accordance with the Taiwan Relations Act.

"(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through fiscal year 2027, the Secretary of State and the Secretary of Defense shall jointly submit to the appropriate committees of Congress—

(i) a report on the results of the assessment required under subsection (a);

(ii) the plan required by subsection (b); and

(iii) a report on—

(A) the status of efforts to develop and implement the joint multi-year plan required under section 10007 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 to provide for the acquisition of appropriate defensive military capabilities by Taiwan and to engage with Taiwan in a series of combined training and planning activities consistent with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.);

(B) any other matters the Secretary considers necessary.

"(d) FORM.—The reports required by subsection (c) shall be submitted in unclassified form, but may include a classified annex.

"(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—The term 'appropriate committees of Congress' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

"TITLE II—COUNTERING PEOPLE'S REPUBLIC OF CHINA ECONOMIC COERCION AND INFLUENCE CAMPAIGNS

SEC. 10201. STRATEGY TO RESPOND TO INFLUENCE AND INFORMATION OPERATIONS TARGETING TAIWAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter for the following 5 years, the President, in consultation with the Director of National Intelligence, shall develop and implement a strategy to respond to—

(1) covert, coercive, and corrupting activities carried out to advance the Chinese Communist Party's "United Front" work, including activities directed, coordinated, or otherwise supported by the United Front Work Department or its subordinate or affiliated entities; and

(2) information and disinformation campaigns, cyberspace, and traditional propaganda measures supported by the Government of the People's Republic of China and the Chinese Communist Party that are directed toward persons or entities in Taiwan.

(b) ELEMENTS.—The strategy required under subsection (a) shall include descriptions of—

(1) the proposed response to propaganda and disinformation campaigns by the People's Republic of China and cyber-intrusions targeting Taiwan, including—

(A) assistance in building the capacity of Taiwan's public and private-sector entities to document and expose propaganda and disinformation supported by the Government of the People's Republic of China, the Chinese Communist Party, or affiliated entities; and

(B) assistance to enhance Taiwan's ability to develop a strategic response to sharp power operations, including election interference; and

(c) media training for Taiwan officials and other Taiwan entities targeted by disinformation campaigns;

(2) the proposed response to political influence operations that include an assessment of the extent of influence exerted by the Government of the People's Republic of China and the Chinese Communist Party in Taiwan, including local political parties, financial institutions, media organizations, and other entities;

(3) support for exchanges and other technical assistance to strengthen the Taiwan legal system's ability to respond to sharp power operations; and

(d) programs carried out by the Global Engagement Center to expose misinformation and disinformation in the Chinese Communist Party's propaganda.

SEC. 10202. STRATEGY TO COUNTER ECONOMIC COERCION BY THE PEOPLE'S REPUBLIC OF CHINA TARGETING COUNTRIES AND ENTITIES THAT SUPPORT TAIWAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a description of the strategy being used by the Department of State to respond to the Government of the People's Republic of China's increased response, including economic coercion, against countries which have strengthened their ties with China, or Taiwan.

(b) ASSISTANCE FOR COUNTRIES AND ENTITIES TARGETED BY THE PEOPLE'S REPUBLIC OF CHINA.—In economic coercion, the Department of State, the United States Agency for International Development, the United States International Development Finance Corporation, the Department of Commerce and the Department of the Treasury shall provide appropriate assistance to countries and entities that are subject to coercive economic practices by the People's Republic of China.

"(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives;

(4) the Committee on Appropriations of the House of Representatives; and

(5) the Committee on Appropriations of the House of Representatives.

"SEC. 10203. CHINA CENSORSHIP MONITOR AND ACTION CORPORATION.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—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.

(2) QUALIFIED RESEARCH ENTITY.—The term "qualifying research entity" means an entity that—

(A) is a nonprofit research organization or a Federally funded research and development center; and

(B) has appropriate expertise and analytical capability to write the report required under subsection (c); and

(c) QUALIFIED RESEARCH ENTITY.—In this section, the term "qualified research entity" means an entity that—

(1) has appropriate expertise and analytical capability to write the report required under subsection (c); and

(2) is free from any financial, commercial, or other entanglements, which could undermine the independence of such report or create a conflict of interest or the appearance of a conflict of interest, with—

(A) the Government of the People's Republic of China;
TITLE III—INCLUSION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS

SEC. 10301. PARTICIPATION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS.

(a) STATEMENT OF POLICY.—It is the policy of the United States to promote Taiwan's inclusion and meaningful participation in international organizations.

(b) SUPPORT FOR MEANINGFUL PARTICIPATION.—The President of the United States shall support the Permanent Representative of the United States to the United Nations and other relevant United States officials to actively support Taiwan's meaningful participation in all appropriate international organizations.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to Congress that—

(1) describes the People's Republic of China's objections to Taiwan's meaningful participation in all appropriate international organizations;

(2) recommends appropriate responses that should be taken by the United States to carry out the policy described in subsection (a); and

(3) recommends additional actions that the United States should take to support Taiwan's meaningful participation in international organizations.

SEC. 10302. MEANINGFUL PARTICIPATION OF TAIWAN IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

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

(1) the International Civil Aviation Organization (ICAO) should allow Taiwan to meaningfully participate in the organization, including in ICAO triennial assembly sessions,
(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary shall submit a report on the implementation of the Taiwan Travel Act, including a discussion of its positive effects on United States interests in the region, to the appropriate committees of Congress.

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

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

(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on Armed Services of the Senate;
(3) the Committee on Appropriations of the Senate;
(4) the Committee on Foreign Affairs of the House of Representatives;
(5) the Committee of Armed Services of the House of Representatives; and
(6) the Committee on Appropriations of the House of Representatives.

SEC. 10402. AMENDMENTS TO THE TAIWAN ALLIES INTERNATIONAL PROTECTION AND ENHANCEMENT INITIATIVE (TAIPEI) ACT OF 2019.

The Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act of 2019 (Public Law 116–135) is amended—

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees an unclassified report that—

(1) describes the United States plan to ensure Taiwan’s meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms;

(2) seeks to secure a vote at the next ICAO triennial assembly session on the question of Taiwan’s participation in that session.

(b) REPORT CONCERNING TAIWAN’S MEANINGFUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.—The Secretary of State, in coordination with the Secretary of Commerce and the Secretary of Transportation, is authorized—

(1) to submit to the appropriate congressional committees an unclassified report that—

(A) use the voice and vote of the United States Government who have traveled to Taiwan; and

(B) by striking “the People’s Republic of China” and inserting “the PRC”;

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on Armed Services of the Senate;
(3) the Select Committee on Intelligence of the Senate;
(4) the Committee on Foreign Affairs of the House of Representatives;
(5) the Committee of Armed Services of the House of Representatives; and
(6) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 10404. REPORT ANALYSIS OF RUSSIA’S WAR AGAINST UKRAINE ON THE OBJECTIVES OF THE PEOPLE’S REPUBLIC OF CHINA WITH RESPECT TO TAIWAN.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report analyzing the impact of Russia’s war against Ukraine on the PRC’s diplomatic, military, economic, and propaganda objectives with respect to Taiwan.

(b) ELEMENTS.—The report required under subsection (a) shall describe—

(1) the PRC’s stated goals, objectives, and military, economic, and propaganda behavior towards Taiwan;

(2) United States’ plans to adapt its policies and military strategy in response to the PRC’s behavior and policy changes; and

(3) the Secretary’s strategy for countering the PRC’s military, economic, and propaganda behavior.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services of the Senate;
(2) the Committee on Armed Services of the House of Representatives;
(3) the Select Committee on Intelligence of the Senate; and

(4) the Select Committee on Intelligence of the House of Representatives.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 10401. REPORT ON TAIWAN TRAVEL ACT.

(a) LIST OF HIGH-LEVEL VISITS.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of State, in coordination with the Taiwan Travel Act (Public Law 116–135) is amended—

(1) describes the U.S. plan to ensure Taiwan’s meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms;

(2) includes an account of the efforts made by the Secretary of State and the Secretary of Commerce to ensure Taiwan’s meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms; and

(3) identifies the steps the Secretary of Commerce and the Secretary of State will take to ensure Taiwan’s meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms;

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of State shall provide briefings to the appropriate congressional committees on the steps taken in accordance with section (a). The briefings required under this subsection shall take place in an unclassified setting, but may be accompanied by an additional classified briefing.

(2) BRIEFINGS.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for the following 7 years, the Secretary of State shall provide briefings to the appropriate congressional committees on the steps taken in coordination with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees an unclassified report that—

(A) to PRC behavior in international fora, including economic, military, and propaganda actions taken in response to the PRC’s actions;

(B) to PRC behavior in international fora, including economic, military, and propaganda actions taken in response to the PRC’s actions;

(C) the PRC’s strategy for the use of military, economic, and propaganda actions in response to the PRC’s actions;

(D) to propaganda, disinformation, and other information operations originating in the PRC;

(E) to the PRC’s use of military, economic, and propaganda actions in response to the PRC’s actions; and

(F) to the PRC’s use of military, economic, and propaganda actions in response to the PRC’s actions.

(3) the Select Committee on Intelligence of the Senate; and

(4) the Select Committee on Intelligence of the House of Representatives.

(5) by inserting after subsection (b) the following:

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on Armed Services of the Senate;
(3) the Select Committee on Intelligence of the Senate;
(4) the Committee on Foreign Affairs of the House of Representatives;
(5) the Committee of Armed Services of the House of Representatives; and

(6) the Permanent Select Committee on Intelligence of the House of Representatives.
under subsection (a), as appropriate, with appropriate officials of allied and partners, including Taiwan and other partners in Europe and in the Indo-Pacific.

(3) CENTER.—In this section, the term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate;
(B) the Committee on Armed Services of the Senate;
(C) the Committee on Appropriations of the Senate;
(D) the Select Committee on Intelligence of the Senate;
(E) the Committee on Banking, Housing, and Urban Affairs of the Senate;
(F) the Committee on Foreign Affairs of the House of Representatives;
(G) the Committee on Armed Services of the House of Representatives;
(H) the Committee on Appropriations of the House of Representatives;
(I) the Permanent Select Committee on Intelligence of the House of Representatives; and
(J) the Committee on Financial Services of the House of Representatives.

**TITLE V—UNITED STATES-TAIWAN PUBLIC HEALTH PROTECTION**

**SEC. 10501. SHORT TITLE.**

This title may be cited as "United States-Taiwan Public Health Protection Act".

**SEC. 10502. DEFINITIONS.**

In this title:

(I) APPROPRIATE CONGRESSIONAL COMMITTEES.—For the purposes of this title, the term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate;
(B) the Committee on Health, Education, Labor, and Pensions of the Senate;
(C) the Committee on Appropriations of the Senate;
(D) the Committee on Foreign Affairs of the House of Representatives;
(E) the Committee on Energy and Commerce of the House of Representatives; and
(F) the Committee on Appropriations of the House of Representatives.

(2) CENTER.—The term "Center" means the Infectious Disease Monitoring Center described in section 10503.

**SEC. 10503. STUDY.**

(a) STUDY.—Not later than one year after the date of enactment of this Act, the Secretary of State and the Secretary of Health and Human Services, in consultation with the heads of other relevant Federal departments and agencies, shall submit to appropriate congressional committees a study that includes the following:

(I) A description of ongoing cooperation between the United States Government and Taiwan related to public health, including public health activities supported by the United States in Taiwan.

(2) The extent to which the United States and Taiwan can promote further cooperation and expand public health activities, including the feasibility and utility of establishing an Infectious Disease Monitoring Center within the American Institute of Taiwan in Taipei, Taiwan to—

(A) regularly monitor, analyze, and disseminate open-source material from countries in the region, including viral strains, bacterial subtypes, and other pathogens;

(B) engage in people-to-people contacts with medical specialists and public health officials in the region;

(C) provide expertise and information on infectious diseases to the United States Government and Taiwanese officials; and

(D) carry out other appropriate activities, as determined by the Director of the Center.

(b) ELEMENTS.—The study required by subsection (a) shall include—

(1) a plan on how such a Center would be established and operationalized, including—

(A) a description of the arrangements necessary to establish and operate the Center; and

(B) the proposed structure and composition of the Center, including—

(i) infectious disease experts from the Department of Health and Human Services, who are recommended to serve as detailees to the Center; and

(ii) additional qualified persons to serve as detailees to or employees of the Center, including—

(I) from any other relevant Federal department or agencies, to include the Department of State and the United States Agency for International Development;

(II) qualified foreign service nationals or locally engaged staff who are considered citizens of Taiwan; and

(III) employees of the Taiwan Centers for Disease Control;

(2) an evaluation, based on the factors in paragraph (1), of whether to establish the Center; and

(3) a description of any consultations or agreements between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States regarding research and operation of the Center, including—

(A) the role that employees of the Taiwan Centers for Disease Control would play in supporting or coordinating with the Center; and

(B) whether any employees of the Taiwan Centers for Disease Control would be detailed to, or co-located with, the Center.

(c) CONSULTATION.—The Secretary of State and the Secretary of Health and Human Services shall consult with the appropriate congressional committees before full completion of the study.

**TITLE VI—RULES OF CONSTRUCTION**

**SEC. 10601. RULE OF CONSTRUCTION.**

Nothing in this division may be construed—

(1) to restore diplomatic relations with the Republic of China; or

(2) to alter the United States Government's position with respect to the international status of the Republic of China.

**SEC. 10602. RULE OF CONSTRUCTION REGARDING THE USE OF MILITARY FORCE.**

Nothing in this division may be construed as authorizing the use of military force or the introduction of United States forces into hostilities.

**SA 6448. Mr. REED (for Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for other purposes; which was ordered to lie on the table; as follows:**

At the end of subtitle G of title X, add the following:

**SEC. 1077. COST-SHARING REQUIREMENTS APPLICABLE TO CERTAIN BUREAU OF RECLAMATION DAMS AND DIKES.**

Section 4309 of the America's Water Infrastructure Act of 2018 (43 U.S.C. 377b; Public Law 115–270) is amended—

(1) in the section heading, by inserting "DAMS AND " before "DIKES";

(2) in subsection (a), by striking "effective beginning on the date of enactment of this section, the Federal share of the operations and maintenance costs described in subsection (b)" and inserting "effective during the 1-year period beginning on the date of enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Federal share of the dam safety modifications costs of a dam or dike described in subsection (b), including repairing or replacing a gate or ancillary gate components,"; and

(3) in subsection (b)—

(A) in the subsection heading, by inserting "DAMS AND " before "DIKES";

(B) in the matter preceding paragraph (1), by inserting "dam or" before "dike" each place it appears; and

(C) in paragraph (2), by striking "December 31, 1945" and inserting "December 31, 1948".

**SA 6450. Mr. REED (for Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:**

At the appropriate place in title XII, insert the following:

**SEC... PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER SOVEREIGN UKRAINIAN TERRITORY.**

(a) IN GENERAL.—Section 1234 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1974) is amended—
SEC. 881. SHORT TITLE.

This subtitle shall be cited as the "American Security Drone Act of 2022".

SEC. 882. DEFINITIONS.

In this subtitle:

(1) COVERED FOREIGN ENTITY.—The term "covered foreign entity" means an entity included on a list developed and maintained by the Federal Aviation Security Council. This list will include entities in the following categories:

(A) An entity included on the Consolidated Screening List.

(B) Any entity that is subject to extraterritorial jurisdiction from a foreign government, as determined by the Secretary of Homeland Security.

(C) Any entity the Secretary of Homeland Security, in consultation with the Attorney General, determines poses a national security risk.

(D) Any entity domiciled in the People's Republic of China or subject to influence or control by the Government of the People's Republic of China or the Communist Party of the People's Republic of China, as determined by the Secretary of Homeland Security.

(E) Any subsidiary or affiliate of an entity described in subparagraphs (A) through (D).

(2) COVERED UNMANNED AIRCRAFT SYSTEM.—The term "covered unmanned aircraft system" means a system that is manufactured or assembled by a covered foreign entity, which includes associated elements (consisting of communication links and the components necessary to enable the operator to operate the aircraft in the National Airspace System) that enable the operator to operate the aircraft in the National Airspace System. The Federal Aviation Security Council, in consultation with the Secretary of Transportation, shall develop and update a list of associated elements.

(a) PROHIBITION.—

(1) IN GENERAL.—Beginning on the date that is two years after the date of enactment of this Act, no Federal department or agency may operate a covered unmanned aircraft system manufactured or assembled by a covered foreign entity.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, the Director of National Intelligence, and the Attorney General are exempt from the restriction under subsection (a) if the procurement is required in the national interest of the United States and—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for electronic warfare, information warfare operations, cybersecurity, or development of unmanned aircraft system technology; or

(2) is for the sole purposes of conducting counterterrorism or counterintelligence activities, protective missions, or Federal Law Enforcement Safety Board, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the purpose of meeting NOAA's science or management objectives.

(c) DEPARTMENT OF TRANSPORTATION AND FEDERAL AVIATION ADMINISTRATION EXEMPTION.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, the Secretary of Defense, the Director of National Intelligence, and the Attorney General are exempt from the restriction under section (a) if the operation or procurement is necessary for the purpose of conducting safety investigations.

(d) NATIONAL ORGANIC AND ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the purpose of meeting NOAA's science or management objectives.

(e) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Office of Management and Budget, after consultation with the Federal Aviation Security Council; and

(2) upon notification to—

(A) the Committee on Homeland Security and Government Affairs of the Senate; and

(B) the Committee on Oversight and Reform in the House of Representatives.

(f) OTHER APPROPRIATE CONGRESSIONAL COMMITTEES.—The Committee on Homeland Security and Government Affairs of the Senate and the Committee on Oversight and Reform in the House of Representatives are appropriate congressional committees of jurisdiction.
(2) upon notification to—
   (A) the Committee on Homeland Security and Governmental Affairs of the Senate;
   (B) the Committee on Oversight and Reform;
   (C) other appropriate congressional committees of jurisdiction;
   (g) REGULATIONS AND GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General shall prescribe regulations or guidance to implement this subtitle.

SEC. 885. PROHIBITION ON USE OF FEDERAL FUNDS FOR PURCHASES AND OPERATIONS OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) In general.—Beginning on the date that is two years after the date of the enactment of this Act, except as provided in subsection (b), no Federal funds awarded through a contract, grant, or cooperative agreement, or otherwise made available may be used—
   (1) to purchase a covered unmanned aircraft system that is manufactured or assembled by a covered foreign entity; or
   (2) in connection with the operation of such a drone or unmanned aircraft system.

(b) Exception.—The Secretary of Homeland Security, the Secretary of Defense, the Director of National Intelligence, and the Attorney General are exempt from the restrictions in subsection (a) if the procurement is required in the national interest of the United States and—
   (1) is for the sole purposes of research, evaluation, training, testing, or analysis for electronic warfare, information warfare operations, cybersecurity, or development of unmanned aircraft system or counter-unmanned aircraft technology;
   (2) is for the sole purposes of conducting counterterrorism or counterintelligence activities, protective missions, or Federal criminal or national security investigations, including forensic examinations, or for electronic warfare, information warfare operations, cybersecurity, or development of an unmanned aircraft system or counter-unmanned aircraft system technology; or
   (3) is an unmanned aircraft system that, as procured or as modified after procurement but before operational use, can no longer be transferred to, or downloaded or transmitted from a covered foreign entity and otherwise poses no national security cybersecurity risks as determined by the official or entity.

(c) DEPARTMENT OF TRANSPORTATION AND FEDERAL AVIATION ADMINISTRATION EXEMPTION.—The Secretary of Transportation is exempt from the restriction under subsection (a) if the operation or procurement is deemed to support the safe, secure, or efficient operation of the National Airspace System or to implement public safety, including activities carried out under the Federal Aviation Administration’s Allianc for System Safety (AS4S) through Research Excellence in System Safety (RESERVE) and the ASSURE Center of Excellence (COE) and any other activity deemed to support the safe, secure, or efficient operation of the National Airspace System or to implement public safety, as determined by the Secretary or the Secretary’s designee.

(d) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the purpose of meeting NOAA’s science or management objectives.

(e) Waiver.—Notwithstanding the provisions of subsection (a), the head of an Executive agency may waive the prohibition under subsection (a) on a case-by-case basis—
   (1) with the approval of the Director of the Office of Management and Budget, after consultation with the Federal Acquisition Security Council; and
   (2) upon notification to—
       (A) the Committee on Homeland Security and Government Affairs of the Senate;
       (B) the Committee on Oversight and Reform;
       (C) other appropriate congressional committees of jurisdiction;

(f) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall prescribe regulations or guidance, as necessary, to implement this subsection.

SEC. 886. PROHIBITION ON USE OF GOVERNMENT-ISSUED PURCHASE CARDS TO PURCHASE COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

Effective immediately, Government-issued Purchase Cards may not be used to procure any covered unmanned aircraft system from a covered foreign entity.

SEC. 887. MANAGEMENT OF EXISTING INVENTORIES OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—All executive agencies must account for existing inventories of covered unmanned aircraft systems manufactured or assembled by a covered foreign entity in their personal property accounting systems, within one year of the date of enactment of this Act, regardless of the original procurement cost, or the purpose of procurement due to the special monitoring and accounting measures necessary to track the items’ capabilities.

(b) CLASSIFIED TRACKING.—Due to the sensitive nature of missions and operations conducted by the United States Government, inventory data of covered unmanned aircraft systems manufactured or assembled by a covered foreign entity may be tracked at a classified level.

(c) EXCEPTION.—The Department of Defense, Department of Homeland Security, Department of Justice, and Department of Transportation may exclude from the full inventory process, covered unmanned aircraft systems that are deemed expendable due to mission risk such as recovery issues or that are otherwise not valuable aircraft due to requirements and low cost.

SEC. 888. COMPTROLLER GENERAL REPORT.

Not later than 275 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the amount of commercial off-the-shelf drones and covered unmanned aircraft systems procured by Federal departments and agencies from covered foreign entities.

SEC. 889. GOVERNMENT-WIDE POLICY FOR PROTECTION OF COVERED UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Department of Homeland Security, Department of Transportation, the Director of the Office of Management and Budget, and other Departments as determined by the Director of the Office of Management and Budget, and in consultation with the National Institute of Standards and Technology, shall establish a government-wide policy for the procurement of an unmanned aircraft system—
   (1) for non-DOD Department of Defense and non-intelligence community operations; and
   (2) through grants and cooperative agreements entered into with non-Federal entities.

(b) INFORMATION SECURITY.—The policy developed under subsection (a) shall include the following specifications, which to the extent practicable, shall be based on industry standards and technical guidance from the National Institute of Standards and Technology, and other appropriate standards and technical guidance:

(1) the quantity of end items to which the waiver applies and the description or procurement value of those items; and
(2) the time period over which the waiver applies, which shall not exceed three years; and
(3) shall be reported to the Office of Management and Budget following issuance of such a determination; and
(4) the period of time the waiver is in effect.

(a) RULE OF CONSTRUCTION.—Nothing in this subtitle shall prevent a State, local, or territorial law enforcement or emergency response agency from—
Territorial law enforcement or emergency service agency from procuring or operating a covered unmanned aircraft system purchased with non-Federal dollars.

(b) FEDERAL ARRANGEMENTS.—The Federal Government may continue entering into contracts, grants, and cooperative agreements or other Federal funding instruments that are local, or territorial law enforcement or emergency service agencies under which a covered unmanned aircraft system will be purchased or operated if the agency receives approval or waiver to purchase or operate a covered unmanned aircraft system pursuant to section 885.

SEC. 891. STUDY.

(a) STUDY.—On the supply chain for unmanned aircraft systems and components, including a discussion of current and projected future demand for covered unmanned aircraft systems.

(b) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall provide to the appropriate congressional committees a report on the supply chain for covered unmanned aircraft systems, including a discussion of current and projected future demand for covered unmanned aircraft systems.

SEC. 892. STUDY.—The Secretary of Homeland Security, in consultation with the Secretary of Commerce, shall conduct a study of the potential of the Federal Government to support the national emergency services with State, local, or territorial law enforcement or emergency service agencies.

SEC. 893. SUNSET.

Sections 883, 884, and 885 shall cease to have effect on the date that is five years after the date of the enactment of this Act.

SEC. 894. PURCHASE OR OPERATE UNMANNED AIRCRAFT SYSTEMS UNDER WHICH A COVERED UNMANNED AIRCRAFT SYSTEM WILL BE PURCHASED OR OPERATED BY A COVERED LAW ENFORCEMENT OR EMERGENCY SERVICE AGENCY.

The Secretary of Defense may continue entering into contracts, grants, and cooperative agreements or other Federal funding instruments under which a covered unmanned aircraft system will be purchased or operated if the agency receives approval or waiver to purchase or operate a covered unmanned aircraft system pursuant to section 885.

SA 6452. Mr. REED (for Mr. SHELY) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill S. R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction and certain defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following:

SEC. 1276. CENTER FOR EXCELLENCE IN ENVIRONMENTAL SECURITY.

(a) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by inserting after section 182 the following new section:

"SEC. 182a. CENTER FOR EXCELLENCE IN ENVIRONMENTAL SECURITY.

"(a) E XISTING CENTER.—The Secretary of Defense may operate a Center for Excellence in Environmental Security (in this section referred to as the ‘Center’)."

"(b) MISSIONS.—(1) The Center shall be used to provide and facilitate education, training, and research in civil-military operations, particularly operations that require international military operations that require coordination between the Department of Defense and other agencies.

(2) The Center shall be used to provide and facilitate education, training, and research in international military operations that require coordination between the Departments of Defense and other agencies.

(3) The Center shall be granted access to

(i) the databases, archives, and other information of the Department of Defense;

(ii) the data, archives, talent and physical capacities of the Department of Energy;

(iii) other information and data of foreign and allied countries, and of foreign and allied entities (as defined in section 101 of title 50, United States Code), that are available to the Department of Energy or to the Department of Defense.

(4) The Center shall perform such other missions as the Secretary of Defense may specify.

(5) The Center shall be credited to appropriations with which merged.

(b) MISSIONS.—The appropriate Federal agencies, in consultation with the Secretary of Homeland Security, the Secretary of the Department of Homeland Security, the Secretary of Transportation, and the Secretary of Commerce, shall work with the Secretary of Defense to establish a Center for Excellence in Environmental Security, and shall provide such additional appropriations as may be necessary to carry out this section.

(c) FUNCTION.—The Secretary of Defense may enter into an agreement with appropriate officials of an institution of higher education to provide for operation of the Center. Any such agreement shall provide for the institution to furnish necessary administrative services for the Center, including administration and allocation of funds.

"(d) ACCEPTANCE OF DONATIONS.—

(1) Except as provided in paragraph (2), the Secretary of Defense may accept on behalf of the Center, donations to be used to defray the costs of the Center or to enhance the operations of the Center. Such donations may be accepted from any agency of the Federal Government, any State or local government, any foreign government, any foundation or other charitable organization (including any organization that is organized under the laws of a foreign country), or any other private source in the United States or a foreign country.

(2) The Secretary may not accept a donation under paragraph (1) if the acceptance of the donation would compromise or appear to compromise the ability of the Department of Defense, any employee of the Department, or members of the armed forces, to carry out any responsibility or duty of the Department in a responsible and objective manner.

"(e) MANAGEMENT.—(1) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a foreign donation would have a result described in paragraph (2).

(2) The Secretary shall prescribe written guidelines setting forth the criteria to be used in determining whether or not the acceptance of a foreign donation would have a result described in paragraph (2)."

SEC. 182a. CENTER FOR EXCELLENCE IN ENVIRONMENTAL SECURITY.

SEC. 1550. IRAN NUCLEAR WEAPONS CAPABILITY AND TERRORISM MONITORING ACT OF 2022.

(a) SHORT TITLE.—This section may be cited as the ‘‘Iran Nuclear Weapons Capability and Terrorism Monitoring Act of 2022’’.

(b) FINDINGS.—Congress makes the following findings:

(1) In the late 1980s, the Islamic Republic of Iran established the AMAD Project with the intent to manufacture 5 nuclear weapons and prepare an underground nuclear test site.

(2) Since at least 2002, the Islamic Republic of Iran has advanced its nuclear and ballistic
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missile programs, posing serious threats to the security interests of the United States, Israel, and other allies and partners.

(3) In 2002, nuclear facilities in Natanz and Arak were revealed to the public by the National Council of Resistance of Iran.

(4) On April 11, 2006, the Islamic Republic of Iran announced that it had enriched uranium to a level close to 5 percent at the Natanz Pilot Fuel Enrichment Plant, Natanz, Iran.


(6) The United Nations Security Council subsequently adopted Resolutions 1747 (2007), 1803 (2008), and 1929 (2010), all of which targeted the regime of and imposed additional sanctions with respect to the Islamic Republic of Iran.

(7) On February 3, 2009, the Islamic Republic of Iran announced that it had launched its first satellite, which raised concern over the applicability of the satellite to the ballistic missile program.

(8) On September 28, 2009, the United States, the United Kingdom, and France revealed the existence of the clandestine Fordow Fuel Enrichment Plant in Iran, years after construction of the plant.

(9) In 2010, the Islamic Republic of Iran reportedly had enriched uranium to a level of 20 percent.

(10) On March 9, 2016, the Islamic Republic of Iran launched 2 variations of the Qadr medium-range ballistic missile.

(11) On January 28, 2017, the Islamic Republic of Iran conducted a test of a medium-range ballistic missile, which traveled an estimated 600 miles.

(12) In 2017, Israel seized a significant portion of the nuclear archive of the Islamic Republic of Iran, which contained tens of thousands of files and compact discs relating to past efforts at nuclear weapon design, development, and manufacturing by the Islamic Republic of Iran.

(13) On September 27, 2018, Israel revealed the existence of a warehouse housing radioactive material in the Turqiz Abad district in Tehran, and an inspection of the warehouse by the International Atomic Energy Agency (IAEA) revealed participation of nuclear facilities in Iran that the Government of the Islamic Republic of Iran failed to adequately explain.

(14) In 2020, an Iranian missile struck an Iraqi military base where members of the United States Armed Forces were stationed, resulting in 11 of such members being treated at Walter Reed.

(15) On June 19, 2020, the International Atomic Energy Agency adopted Resolution GOV/2020/34 expressing “serious concern... that IAEA ... provided access to the Agency under the Additional Protocol to two locations”.

(16) On November 26, 2020, following the death of the Organization of Defense Innovation and Research of the Islamic Republic of Iran, the Supreme Leader of the Islamic Republic of Iran vowed to “continue the martyr’s scientific and technological efforts in all the sectors where he was active” in the “nuclear and defense fields”.

(17) On April 17, 2022, the International Atomic Energy Agency verified that the Islamic Republic of Iran had begun to enrich uranium to 60 percent purity.

(18) On August 14, 2021, President of Iran Hassan Rouhani stated that “Iran’s Atomic Energy Organization can enrich uranium by 20 percent and 60 percent and if one day our reactors need it, it can enrich uranium to 90 percent”.

(19) On November 9, 2021, the Islamic Republic of Iran completed Zolfaqhar-1400, a three-day war game that included conventional navy, army, air force, and air defense forces testing cruise missiles, torpedoes, and suicide drones in the Strait of Hormuz, the Gulf of Oman, the Red Sea, and the Indian Ocean.

(20) On December 20, 2021, the Islamic Republic of Iran commenced a 5-day drill in which it launched a number of short- and long-range missiles that, it claimed could destroy Israel, constituting an escalation in the already genocidal rhetoric of the Islamic Republic of Iran toward Israel.

(21) On June 13, 2022, the head of the Islamic Revolutionary Guards Corps Aerospace Force claimed that the military launched a solid-fuel, mobile satellite launch rocket, with implications of an intercontinental ballistic missile.

(22) On January 24, 2022, Houthi rebels, backed by the Islamic Republic of Iran, fired 2 missiles at Al Dhafra Air Base in the United Arab Emirates, which hosts 2,000 members of the Armed Forces of the United States.

(23) On January 31, 2022, surface-to-air interceptors of the United Arab Emirates shot down a Houthi missile fired at the United Arab Emirates during a visit by President Joe Biden, the first-ever visit of an Israeli President to the United Arab Emirates.

(24) On February 9, 2022, the Islamic Republic of Iran launched a surface-to-surface ballistic missile, named “Kheibar Shekan”, which has a reported range of 900 miles (1450 kilometers) and is capable of penetrating missile shields.

(25) On March 13, 2022, the Islamic Republic of Iran launched 12 missiles into Erbil, Iraq, which struck near a consensus building of the United States.

(26) On April 17, 2022, the Islamic Republic of Iran confirmed the relocation of a production facility for advanced centrifuges from an underground facility at Karaj, Iran to the fortified underground Natanz Enrichment Complex.

(27) On April 19, 2022, the Department of Defense released a report stating that there are “serious concerns” about “possible undeclared nuclear material and activities in Iran.”

(28) On May 30, 2022, the International Atomic Energy Agency reported that the Islamic Republic of Iran had achieved a stockpile of 3.5 tons of highly enriched uranium, roughly enough material for a nuclear pile of 43.3 kilograms, equivalent to 95.5 nuclear weapons.

(29) On June 8, 2022, the Islamic Republic of Iran turned off surveillance cameras installed by the International Atomic Energy Agency to monitor uranium enrichment activities at nuclear sites in the country.

C. Sense of Congress.—It is the sense of Congress that—

(1) the Department of State has used evidence of the intent of the Islamic Republic of Iran to advance a nuclear program, with evidence of a nuclear program prior to 2003; and

(2) intelligence agencies have compiled evidence of the intent of the Islamic Republic of Iran to advance a nuclear program, with evidence of a nuclear program prior to 2003; and

(3) an Islamic Republic of Iran that possesses a nuclear weapons capability would be a serious threat to the national security of the United States, Israel, and other allies and partners;

(4) the Islamic Republic of Iran has been less than cooperative with international inspectors from the International Atomic Energy Agency and has obstructed their ability to inspect nuclear facilities across Iran;

(5) the Islamic Republic of Iran continues to advance missile programs, which are a threat to the national security of the United States, Israel, and other allies and partners; and

(6) the Islamic Republic of Iran continues to support proxies in the Middle East in a manner that—

(A) undermines the sovereignty of regional governments;

(B) threatens the safety of United States citizens;

(C) threatens United States allies and partners; and

(D) directly undermines the national security interests of the United States.

(7) the Islamic Republic of Iran has engaged in assassination plots against former United States officials and has been implicated in plots to kidnap United States citizens within the United States;

(8) the Islamic Republic of Iran is engaged in unsafe and unprofessional maritime activity that threatens the movement of naval vessels of the United States and the free flow of commerce through strategic maritime chokepoints in the Middle East and North Africa;

(9) the Islamic Republic of Iran has delivered hundreds of armed drones to the Russian Federation, which will enable Vladimir Putin to continue the assault against Ukraine in direct opposition of the national security interests of the United States; and

(10) the United States—

(A) ensures that the Islamic Republic of Iran does not develop a nuclear weapons capability;

(B) protect against aggression from the Islamic Republic of Iran that manifested through its missiles program; and

(C) counter regional and global terrorism of the Islamic Republic of Iran in a manner that prioritizes the security interests of the United States, Israel, and other allies and non-state actors to the interests of the United States.

D. Definitions.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Armed Services, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) COMPREHENSIVE SAFEGUARDS AGREEMENT.—The term “Comprehensive Safeguards Agreement” means the Agreement between the Islamic Republic of Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna June 19, 1973.

(3) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 3005).

(4) TASK FORCE.—The term “task force” means the task force established under subsection (e);

(5) UNMANNED AIRCRAFT SYSTEM.—The term “unmanned aircraft system” has the meaning given the term in section 44801 of title 49, United States Code;

(e) ESTABLISHMENT OF INTERAGENCY TASK FORCE ON NUCLEAR ACTIVITY AND GLOBAL REGIONAL TERRORISM OF THE ISLAMIC REPUBLIC OF IRAN—

(1) E STABLISHMENT OF INTERAGENCY TASK FORCE.—There is hereby established an interagency task force on nuclear activity and global regional terrorism of the Islamic Republic of Iran to—

(2) monitor nuclear activity and global regional terrorism of the Islamic Republic of Iran;
(1) ESTABLISHMENT.—The Secretary of State shall establish a task force to coordinate and synthesize efforts by the United States Government regarding—
(A) the enrichment activity of the Islamic Republic of Iran or its proxies; and
(B) regional and global terrorism activity by the Islamic Republic of Iran or its proxies.
(2) COMPOSITION.—
(A) CHAIRPERSON.—The Secretary of State shall be the Chairperson of the task force.
(B) MEMBERS.—
(i) IN GENERAL.—The task force shall be composed of individuals, each of whom shall be an agency head or an appointee to the task force by the head of one of the following agencies:
(I) The Department of State.
(II) The Office of the Director of National Intelligence.
(III) The Department of Defense.
(IV) The Department of Energy.
(V) The Intelligence Community.
(ii) ADDITIONAL MEMBERS.—The Chairperson may appoint to the task force additional individuals from other Federal agencies, as the Chairperson considers necessary.
(3) SUNSET.—The task force shall terminate on December 31, 2028.
(4) ACTIVITY.—
(A) INTELLIGENCE ASSESSMENT ON NUCLEAR ACTIVITY.—
(i) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and every 120 days thereafter until December 31, 2028, the Director of National Intelligence shall submit to the appropriate congressional committees an assessment regarding any uranium enrichment, nuclear weapons development, delivery vehicle development, and associated engineering and research activities of the Islamic Republic of Iran.
(ii) CONTENTS.—The assessment required by subparagraph (A) shall include—
(aa) a description and location of current fuel cycle activities for the production of fissile material being undertaken by the Islamic Republic of Iran, including—
(aa) uranium—
(bb) enrichment activities to procure or construct additional advanced IR-2, IR-6 and other model centrifuges and enrichment cascades, including for stable isotopes;
(bb) research and development of reprocessing capabilities, including—
(1) an assessment of the threat posed by the Islamic Republic of Iran, including training, equipment, and associated intelligence support, to regional and global non-state terrorist groups and proxies;
(2) a description of financial support of the Islamic Republic of Iran to Middle Eastern non-state terrorist groups and proxies and associated Iranian revenue streams funding such support;
(3) identification of any clandestine nuclear facilities;
(4) an assessment of whether the Islamic Republic of Iran, carbon-fiber, or other materials previously used for a weapons program or that could be of use to a weapons program that the Islamic Republic of Iran has declared to the International Atomic Energy Agency;
(ix) an assessment of whether the Islamic Republic of Iran or its proxies possesses an unmanned aircraft system or other delivery vehicles capable of delivering a nuclear weapon;
(x) an assessment of whether the Islamic Republic of Iran or any of its proxies possesses a complete understanding of the capability of the Islamic Republic of Iran to develop and manufacture nuclear or other types of associated weapons systems.
(3) S UNSET.—The task force shall terminate on December 31, 2028, the Director of National Intelligence shall submit to the appropriate congressional committees an assessment regarding the regional and global terrorism of the Islamic Republic of Iran.
(B) CONTENTS.—The assessment required by subparagraph (A) shall include—
(aa) a description of any clandestine nuclear facility in the Islamic Republic of Iran, including—
(bb) the construction of heavy water reactors;
(cc) the manufacturing or procurement of reactor components, including the intended application of such components; and
(dd) reprocessing or using uranium to produce reactor components; and
(ee) the manufacture and testing of weapons capability, including—
(1) a description and location of current fuel cycle activities for the production of fissile material being undertaken by the Islamic Republic of Iran, including—
(2) an assessment of the threat posed by the Islamic Republic of Iran, including training, equipment, and associated intelligence support, to regional and global non-state terrorist groups and proxies;
(3) identification of any clandestine nuclear facilities;
(4) an assessment of whether the Islamic Republic of Iran, carbon-fiber, or other materials previously used for a weapons program or that could be of use to a weapons program that the Islamic Republic of Iran has declared to the International Atomic Energy Agency;
(5) any diversion by the Islamic Republic of Iran or any of its proxies of—
(a) low-enriched uranium; or
(b) any other information that the task force determines is necessary to ensure a complete understanding of the capability of the Islamic Republic of Iran to develop and manufacture nuclear or other types of associated weapons systems.
(iv) a description of whether the Islamic Republic of Iran or any of its proxies possesses an unmanned aircraft system or other delivery vehicle capable of delivering a nuclear weapon;
(v) an assessment of whether the Islamic Republic of Iran or any of its proxies possesses a complete understanding of the capability of the Islamic Republic of Iran to develop and manufacture nuclear or other types of associated weapons systems.
(2) A SSESSMENT ON REGIONAL AND GLOBAL TERRORISM OF THE ISLAMIC REPUBLIC OF IRAN.—
(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and every 120 days thereafter until December 31, 2028, the Director of National Intelligence shall submit to the appropriate congressional committees an assessment regarding the regional and global terrorism of the Islamic Republic of Iran.
(B) CONTENTS.—The assessment required by subparagraph (A) shall include—
(aa) a description of any clandestine nuclear facility in the Islamic Republic of Iran, including—
(bb) the construction of heavy water reactors;
(cc) the manufacturing or procurement of reactor components, including the intended application of such components; and
(dd) research and development with respect to—
(1) a description of the threat posed by the Islamic Republic of Iran, including training, equipment, and associated intelligence support, to regional and global non-state terrorist groups and proxies;
(2) an assessment of financial support of the Islamic Republic of Iran to Middle Eastern non-state terrorist groups and proxies and associated Iranian revenue streams funding such support;
(3) identification of any clandestine nuclear facilities;
(4) an assessment of whether the Islamic Republic of Iran, carbon-fiber, or other materials previously used for a weapons program or that could be of use to a weapons program that the Islamic Republic of Iran has declared to the International Atomic Energy Agency;
(5) any diversion by the Islamic Republic of Iran or any of its proxies of—
(a) low-enriched uranium; or
(b) any other information that the task force determines is necessary to ensure a complete understanding of the capability of the Islamic Republic of Iran to develop and manufacture nuclear or other types of associated weapons systems.
(vi) a description of whether the Islamic Republic of Iran or any of its proxies possesses an unmanned aircraft system or other delivery vehicle capable of delivering a nuclear weapon;
(vii) an assessment of whether the Islamic Republic of Iran or any of its proxies possesses a complete understanding of the capability of the Islamic Republic of Iran to develop and manufacture nuclear or other types of associated weapons systems.
in the Middle East and North Africa in an ef-
fort to create conditions for or shape agen-
domains more favorable to the policies of the Government of the Islamic Republic of Iran;
(viii) a description of any plots by the Is-
lamic Republic of Iran against former and cur-
current United States officials;
(ix) a description of any plots by the Is-
lamic Republic of Iran against United States citizens both abroad and within the United States; and
(x) a description of maritime activity of the Islamic Republic of Iran and associated impacts on the free flow of commerce and the national security interests of the United States.

(3) FORM: PUBLIC AVAILABILITY; DUPLICA-
TION.—
(A) FORM.—Each assessment required by this subsection shall be submitted in unclas-
sified form but may include a classified annex for information that, if released, would be detrimental to the national secu-

rity of the United States.
(B) PUBLIC AVAILABILITY.—The unclassified portion of an assessment required by this subsection shall be made available to the public on an internet website of the Office of the Director of National Intelligence.
(C) DUPLICATION.—For any assessment re-
quired by this subsection, the Director of Na-
tional Intelligence may rely on existing products produced in response to congressional mandate or requests from executive branch officials.

(g) DIPLOMATIC STRATEGY TO ADDRESS
IDENTIFIED NUCLEAR, BALLISTIC, AND
TERRORISM THREATS TO THE UNITED
STATES.—
(1) IN GENERAL.—Not later than 30 days
after the submission of the initial assess-
ment under subsection (f)(1), and annually there-
after until December 31, 2028, the Sec-
retary of State, in consultation with the task
force, shall submit to the appropriate congressional committees a diplomatic
strategy that outlines a comprehensive plan for engaging with partners and allies of the United States regarding
uranium enrichment, nuclear weaponization, and missile development and related regional and global
terrorism of the Islamic Republic of Iran.

(2) CONTENTS.—The diplomatic strategy re-
quired by paragraph (1) shall include—
(A) an assessment of whether the Islamic
Republic of Iran—
(i) is in compliance with the
Comprehensive Safeguards Agreement and
modified Code of Conduct for the Subsidiary Arrangements to
the Comprehensive Safeguards Agreement; and
(ii) has denied access to sites that the
Secretary, in consultation with the task
force, shall identify as necessary for a
comprehensive assessment of Iran’s compliance with the
Comprehensive Safeguards Agreement;
(B) a description of any dual-use item (as
defined under section 730.3 of title 15, Code of
Federal Regulations or listed on the List of
Nuclear-Related Dual-Use Equipment, Mate-
rials, Software, and Related Technology
issued by the Nuclear Suppliers Group or any
successor list) the Islamic Republic of Iran is
using to further the nuclear weapon or mis-
ile program;
(C) a description of efforts of the United States
to counter efforts of the Islamic Re-
public of Iran to project political and mili-
tary influence into the Middle East;
(D) efforts to address the increased threat that new or evolving ura-
nium enrichment, nuclear weaponization, or
missile development activities by the Is-
lamic Republic of Iran pose to United States citizens, the diplomatic presence of the
United States in the Middle East, and the
national security interests of the United States;
(E) a description of efforts to address the
threat that terrorism by, or sponsored by,
the Islamic Republic of Iran against United States citizens, the diplomatic presence of the
United States in the Middle East, and the
national security interests of the United States;
(F) a description of efforts to address the
impact of the influence of the Islamic Repub-
llic of Iran on sovereign governments on
the Middle East and North Africa in an ef-
fort to create conditions for or shape agen-
domains more favorable to the policies of the Government of the Islamic Republic of Iran against former and cur-
current United States officials;
(G) a description of any plots by the Is-
lamic Republic of Iran against United States citizens both abroad and within the United States; and
(H) a comprehensive plan for engaging with allies and regional partners in all relevant
countries to address such activities.

(3) UPDATED STRATEGY RELATED TO NOTI-
FYING.—Not later than 15 days after the sub-
mission of a notification to Congress that
there has been a significant development in
the nuclear weapons capability or delivery
system of any country that is an ally or partner
of the United States, the Secretary of State
shall submit to the appropriate congressional committees an updated strategy that addresses
the nuclear weapons capability or delivery
system of such country.

(4) REPORTS TO CONGRESSIONAL COMMIT-
TEES.—The unclassified portion of a strategy
required by this subsection shall be submitted in unclas-
sified form in response to congressional mandate or requests from congressional committees.

(5) DETAILED STRATEGIES.—For any strategy
required by this section, the Secretary of State,
in consultation with U.S. nuclear en-
actor developers, without impacting existing
level of control on low-enriched uranium (as defined in section 730.3 of title 15, Code of
Federal Regulations), the Secretary shall consider and implement, as necessary—
(A) all viable options to make high-assay,
low-enriched uranium available at the scale needed to meet the needs of advanced nuclear reactor develop-
ers; the Secretary considers and imple-
mements, as necessary—
(B) all viable options to make high-assay,
low-enriched uranium produced from inven-
tories owned by the Department available in
a manner that is sufficient to maximize the
potential for the Department to meet the needs of advanced nuclear reactor developers;
(C) all viable options for partnering with
countries that are allies or partners of the United States to meet those needs and sched-
ules.
(B) low-enriched uranium (as defined in section 3112(a)(a) of that Act (42 U.S.C. 229h–10a(a))).

(8) PROGRAMS.—The term “Programs” means—

(A) the Nuclear Fuel Security Program established under subsection (d)(1);

(B) the American Assured Fuel Supply Program of the Department; and

(C) the HALEU for Advanced Nuclear Reactor Demonstration Projects Program established under subsection (d)(3).

(9) The term “Secretary” means the Secretary of Energy.

(10) U.S. NUCLEAR ENERGY COMPANY.—The term “U.S. nuclear energy company” means a company that—

(A) is organized under the laws of, or otherwise subject to the jurisdiction of, the United States; and

(B) is involved in the nuclear energy industry.

(4) ESTABLISHMENT AND EXPANSION OF PROGRAMS.—The Secretary, consistent with the objectives described in subsection (b), shall—

(1) establish a program, to be known as the “Nuclear Fuel Security Program”, to increase the quantity of LEU and HALEU produced by U.S. nuclear energy companies;

(2) expand the American Assured Fuel Supply Program of the Department to ensure the availability of domestically produced, converted, and enriched uranium in the event of a supply disruption; and

(3) fund a program, to be known as the “HALEU for Advanced Nuclear Reactor Demonstration Projects Program”—

(A) to maximize the potential for the Department to meet the needs and schedules of advanced nuclear reactor developers until such time that commercial enrichment and deconversion capability for HALEU exists in the United States at a scale sufficient to meet future needs; and

(B) where practicable, to partner with countries that are allies or partners of the United States to meet those needs and schedules until that time.

(3) NUCLEAR FUEL SECURITY PROGRAM.—

(I) EXPANSION OF THE AMERICAN ASSURED FUEL SUPPLY PROGRAM.—The Secretary, in consultation with U.S. nuclear energy companies, shall—

(1) expand the American Assured Fuel Supply Program of the Department by merging the operations of the Uranium Reserve Program of the Department with the American Assured Fuel Supply Program; and

(2) in carrying out the American Assured Fuel Supply Program of the Department, as expanded under paragraph (1)—

(A) maintain, replenish, diversify, or otherwise subject to the jurisdiction of, the United States; and

(B) if domestic options are not practicable, a country that is an ally or partner of the United States; and

(iv) maintain, to the maximum extent practicable, that the use of domestic uranium utilized as a result of that program does not negatively affect the economic operation of nuclear power plants in the United States; and

(B)(i) may not make commitments under this subsection (including cooperative agreements (used in accordance with section 6385 of title 10, United States Code), purchase agreements, guarantees, leases, service contracts, or any other type of commitment) for the purchase or other acquisition of HALEU or LEU unless—

(I) funds are specifically provided for those purposes in advance in appropriations Acts as enacted after the date of enactment of this Act; or

(ii) the commitment is funded entirely by funds made available to the Secretary from the account described in subsection (1)(B); and

(iii) may make a commitment described in clause (ii) only if the full extent of the anticipated costs stemming from the commitment is recorded as an obligation at the time that the commitment is made;

(ii) to the extent of that up-front obligation recorded in full at that time.

(2) CONSIDERATIONS.—In carrying out paragraph (1) the Secretary shall consider and, if appropriate, implement—

(A) options to ensure the quickest availability of commercially enriched HALEU, including—

(i) partnerships between 2 or more commercial enrichers; and

(ii) utilization of up to 10-percent enriched uranium in the fuel forms of commercial or commercial HALEU enrichment facilities;

(B) options to partner with countries that are allies or partners of the United States to provide LEU and HALEU for commercial purposes;

(C) options that provide for an array of HALEU—

(i) enrichment levels;

(ii) output levels to meet demand; and

(iii) fuel forms, including uranium metal and oxide; and

(D) options—

(i) to replenish, as necessary, Department stockpiles of uranium that was intended to be domestically enriched, but was instead used in carrying out activities under the HALEU for Advanced Nuclear Reactor Demonstration Projects Program; and

(ii) to continue supplying HALEU to meet the needs of the recipients of an award made pursuant to the funding opportunity announcement of the Department numbered DE-FOA-0002271 for Pathway 1, Advanced Reactor Demonstrations; and

(iii) to make HALEU available to other advanced nuclear reactor developers and other end-users.

(3) AVOIDANCE OF MARKET DISRUPTIONS.—In carrying out the Nuclear Fuel Security Program, the Secretary, to the extent practicable and consistent with the purposes of that program, shall not disrupt or replace market mechanisms by competing with U.S. nuclear energy companies.

(4) EXPANSION OF THE AMERICAN ASSURED FUEL SUPPLY PROGRAM.—The Secretary, in consultation with U.S. nuclear energy companies, shall—

(I) directly meet the needs of advanced nuclear reactor developers; and

(i) uranium that has been declared excess to national security needs during or prior to fiscal year 2022;

(ii) uranium that—

(A) by September 30, 2024, not less than 3 metric tons of HALEU;

(B) by December 31, 2025, not less than an additional 8 metric tons of HALEU; and

(C) by June 30, 2026, not less than an additional 10 metric tons of HALEU;

(ii) if domestic options are not practicable, a country that is an ally or partner of the United States; and

(iii) that uranium can be blended with lower enriched uranium from stockpiles designated as waste;

(iv) uranium from a high-enriched uranium stockpile, which can be blended with lower enriched uranium from stockpiles designated as waste; and

(v) uranium from stockpiles intended for other purposes (excluding stockpiles intended for national security needs), but for which uranium could be swapped or replaced in time in such a manner that would not negatively impact the missions of the Department.

(B) options for expanding, or establishing new, capabilities or infrastructure to support
the processing of uranium from Department inventories;
(C) options for accelerating the availability of HALEU from HALEU enrichment demonstration projects of the Department;
(D) options for providing HALEU from domestically enriched HALEU procured by the Department through a competitive process pursuant to the Nuclear Fuel Security Program established under subsection (d)(1); and
(E) options to replenish, as needed, Department stockpiles of uranium made available pursuant to paragraph (A) with domestically enriched HALEU procured by the Department through a competitive process pursuant to the Nuclear Fuel Security Program established under subsection (d)(1); and
(F) options that combine 1 or more of the approaches described in subparagraphs (A) through (E) to meet the deadlines described in paragraph (2).

(4) LIMITATIONS.—
(A) CERTAIN SERVICES.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for services relating to—
(i) the final disposition of radioactive waste that is the subject of a contract for sale, resale, transfer, or lease under this subsection; or
(ii) environmental cleanup activities.

(B) ESTABLISHMENT OF OFFICE.—In carrying out activities under this subsection, the Secretary—
(i) may not make commitments under this subsection (including cooperative agreements used in accordance with section 6306 of title 31, United States Code), purchase agreements, guarantees, leases, service contracts, or any other type of commitment) for the purchase or other acquisition of HALEU or LEU unless—
(I) funds are specifically provided for those purposes in advance in appropriations Acts enacted after the date of enactment of this Act; or
(II) the commitment is funded entirely by funds made available to the Secretary from the account described in subsection (i)(2)(B); and
(ii) may make a commitment described in clause (i) only—
(I) if the full extent of the anticipated costs stemming from the commitment is recorded as an obligation at the time that the commitment is made; and
(II) to the extent that the up-front obligation recorded is not more than 50% of the anticipated cost of the contract or project to which the commitment relates.

(5) S UNSET.—The authority of the Secretary to carry out activities under this section, the Secretary may use $1,000,000,000 by September 30, 2031, of which there are authorized to be appropriated to the Nuclear Regulatory Commission to carry out under paragraph (6) to provide fuel services to research reactors established under this paragraph.

SEC. 3 | REPORT ON CIVIL NUCLEAR CREDIT PROGRAM.
Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the appropriate committees of Congress a report that identifies the anticipated funding requirements for the civilian nuclear credit program described in section 6433 of the Infrastructure Investment and Jobs Act (42 U.S.C. 17395), taking into account—
(1) the zero-emission nuclear power production credit authorized by section 45U of the Internal Revenue Code of 1986; and
(2) any increased fuel costs associated with the use of domestic fuel that may arise from the implementation of that program.

SEC. 4 | OFFICE OF CIVIL RIGHTS AND INCLUSION.
(a) SHORT TITLE.—This section may be cited as the “Achieving Fairness for Disaster Assistance, Recovery, and Resilience Act of 2022”.
(b) ESTABLISHMENT OF OFFICE.—Section 513 of the Homeland Security Act of 2002 (6 U.S.C. 231b) is amended to read as follows:

SEC. 513. OFFICE OF CIVIL RIGHTS AND INCLUSION.

(a) DEFINITIONS.—In this section—
(1) the term ‘appropriate committees of Congress’ means—
(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and
(B) the Committee on Transportation and Infrastructure, the Committee on Oversight and Reform, and the Committee on Homeland Security of the House of Representatives;
(2) the term ‘Director’ means the Director of the Office of Civil Rights and Inclusion;
(3) the term ‘disaster assistance’ means assistance provided under titles IV and V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.);
(4) the term ‘Office’ means the Office of Civil Rights and Inclusion; and
(5) the term ‘underserved community’ means—
(A) a rural community; 
(B) a low-income community;
(C) the disability community; 
(D) the Native American, Alaska Native, and Native Hawaiian communities; and
(E) the African-American community;
“(F) the Asian community;”

“(G) the Hispanic (including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin) community;”

“(H) the Latino community;”

“(I) the Middle Eastern and North African community; and”

“(J) any other historically disadvantaged community determined by the Director.”

“(b) OFFICE OF CIVIL RIGHTS AND INCLUSION.—

“(1) IN GENERAL.—The Office of Equal Rights of the Agency shall, on and after the date of enactment of the Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022, be known as the Office of Civil Rights and Inclusion.

“(2) REFERENCES.—Any reference to the Office of Equal Rights of the Agency in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Office of Civil Rights and Inclusion.

“(c) DIRECTOR.—

“(1) IN GENERAL.—The Office shall be headed by a Director, who shall report to the Administrator.

“(2) REQUIREMENT.—The Director shall have experience and expertise in civil rights, underserved community inclusion research, disaster preparedness, or resilience disparities elimination.

“(d) PURPOSE.—The purpose of the Office is to—

“(1) improve underserved community access to disaster assistance;

“(2) improve the quality of disaster assistance received by underserved communities;

“(3) eliminate underserved community disparities in the delivery of disaster assistance; and

“(4) carry out such other responsibilities of the Office of Equal Rights as in effect on the day before the date of enactment of the Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022, as determined appropriate by the Administrator.

“(e) AUTHORITIES AND DUTIES.—

“(1) IN GENERAL.—The Director shall be responsible for—

“(A) improving—

“(i) underserved community access to disaster assistance before and after a disaster; and

“(ii) the quality of Agency assistance under­served communities receive;

“(B) reducing disparities in preparedness, response, and recovery programs and activities of the Agency to ensure the elimination of underserved community disparities in the delivery of such programs and activities; and

“(C) carrying out such other responsibilities of the Office of Equal Rights as in effect on the day before the date of enactment of the Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022, as determined appropriate by the Administrator.

“(2) REDUCING DISPARITIES IN PREPAREDNESS, RESPONSE, AND RECOVERY.—

“(A) IN GENERAL.—The Director shall de­velop measures to evaluate the effectiveness of the activities of program offices in the Agency and the activities of the Office of Equal Rights of the Agency to underserved communities.

“(B) REQUIREMENT.—The measures de­veloped under subparagraph (A) shall—

“(1) evaluate community outreach activities, language services, workforce competence, historical assistance for grants and loans provided to underserved individuals and tribal, local, and territorial governments, the effects of disaster declaration thresholds on underserved communities, the percentage of contracts awarded to underserved businesses, historical barriers to equitable assistance across race and class during and after disasters, and other areas, as deter­mined by the Director; and

“(2) identify the communities implicated in the evaluations conducted under clause (1); and

“(C) COORDINATION WITH OTHER OFFICES.—In carrying out this section, the Director shall—

“(i) participate in scenario-based disaster response exercises at the Agency;

“(ii) coordinate with the Office of Minority Health of the Department of Health and Human Services; and

“(iii) coordinate with the Office of Civil Rights of the Department of Agriculture.

“(3) REQUIREMENTS.—The Director shall carry out such other responsibilities under section 644 of the Post-Katrina Emergency Preparedness and Assistance Act (42 U.S.C. 5170, 5191) declared a major disaster or emergency for which there is a major disaster or emergency, the Administrator shall submit to the appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared.

“(4) CONTENTS.—Each report submitted under paragraph (1) shall include—

“(A) a narrative on activities conducted by the Office; and

“(B) the results of the measures developed to evaluate the effectiveness of activities aimed at reducing disparities, response, and recovery disparities; and

“(C) the number and types of allegations of unequal disaster assistance investigated by the Director or referred to other appropriate offices.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

“(d) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 513 (6 U.S.C. 3114) and inserting the following:

“Sec. 513. Office of Civil Rights and Inclusion.”
communities the Office of Civil Rights and Inclusion identifies as disproportionately impacted by COVID-19.

(2) FACA APPLICABILITY.—The Federal Ad
dvisory Committee Act (5 U.S.C. App.) shall not apply to any consultation conducted under paragraph (1).

SA 6456. Mr. REED (for Mrs. FEINF
STEIN) submitted an amendment in ten
tended to be proposed to amendment
SA 5499 proposed by Mr. REED (for him-
self and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for
fiscal year 2023 for military activities
of the Department of Defense and for
military construction, and for defense
activities of the Department of Energy,
to prescribe military personnel
strengths for such fiscal year, and for
other purposes; which was ordered to
lie on the table; as follows:

At the end of subtitle G of title X, add the follow-
ing:

SEC. 1077. OUTREACH TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES UNDER WEST LOS ANGELES LEASING ACT OF 2016.

Section 2(2) of the West Los Angeles
Leasing Act of 2016 (Public Law 114–226) is
amended—

(1) in subparagraph (A), by striking ‘‘; and’’ and
inserting a semicolon;

(2) by striking subparagraph (B) as
subparagraph (C); and

(3) by inserting after subparagraph (A) the fol-
lowing new subparagraph:

‘‘(B) in the case specified in advance in an
appropriations Act for a fiscal year, any
funds received as compensation for an ease-
ment described in subsection (e); and’’.

SA 6457. Mr. REED (for Mr. OSSOFF
(himself and Mr. SCOTT of South Carolina)) submitted an amendment in ten-
tended to be proposed to amendment
SA 5499 proposed by Mr. REED (for him-
self and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for
fiscal year 2023 for military activities
of the Department of Defense and for
military construction, and for defense
activities of the Department of Energy,
to prescribe military personnel
strengths for such fiscal year, and for
other purposes; which was ordered to
lie on the table; as follows:

At the end of subtitle G of title X, add the follow-
ing:

SEC. 1077. OUTREACH TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY SERVING INSTITUTIONS REGARDING NATIONAL SECURITY INNOVATION NETWORK (NSIN) PROGRAMS THAT PROMOTE ENTREPRE-
NEURSHIP AND INNOVATION AT INSTITUTIONS OF HIGHER EDU-
CATION.

(a) SHORT TITLE.—This section may be re-
ferred to as the ‘‘HBCU National Security In-
novation Act’’.

(b) PROGRAM.—The Under Secretary of
Defense for Research and Engineering,
acting through the National Security Inno-
vation Network (NSIN), may establish ac-
tivities, including outreach and technical as-
sistance, to better connect historically
Black colleges and universities and minority
serving institutions (as described in section
371 of the Higher Education Act of 1965 (20 U.S.C. 1067(q))) to the commercialization,
innovation, and entrepreneurial activities of
the Department of Defense.

(c) SUBTITLE.—Not later than one year
after the initiation of any pilot activities
under subsection (b), the Secretary of De-
fense shall brief the congressional defense
committees on the results of any activities
conducted under the aforementioned pilot
program, including—

(1) the results of outreach efforts;

(2) the success of expanding NSIN pro-
grams to historically Black colleges and uni-
versities and minority serving institutions;

(3) the potential for expansion; and

(4) recommendations for how the Depart-
ment of Defense can support such institu-
tions to successfully participate in Depart-
ment of Defense commercialization, innova-
tion, and entrepreneurship programs.

SA 6458. Mr. REED (for Mr. VAN HOL-
LAN (for himself and Mr. TITUS)) sub-
mitted an amendment intended to be pro-
posed to amendment SA 5499 pro-
posed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to author-
ize appropriations for fiscal year 2023 for
military activities of the Depart-
ment of Defense and for military con-
struction, and for defense activities
of the Department of Energy, to prescribe
military personnel strengths for such fiscal
year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the follow-
ing:

(a) DEFINITIONS.—In this section:

(1) the term ‘‘eligible institution’’ means a
historically Black college or university or
other minority-serving institution that is
classified as a high research activity status
institution at the time of application for a
grant under this section.

(2) the term ‘‘high research activity sta-
tus’’ means R2 status, as classified by the
Carnegie Classification of Institutions of
Higher Education.

(b) PILOT PROGRAM.—The Under Secretary
of Defense shall establish and carry out a pro-
gram to increase capacity at high research activity status
historically Black colleges and universities and
other minority-serving institutions toward
achieving very high research activity status
activities.

(b) RECOMMENDATIONS.—In establishing
such program, the Secretary may consider the
recommendations of the President’s Council
of Advisors on Science and Technology and
the recommendations pursuant to section 262
of the National Defense Authorization Act
for Fiscal Year 2020 (Public Law 116–92) and
section 260 of the National Defense Author-
ization Act for Fiscal Year 2022 (Public Law
117–81).

(2) CONSIDERATIONS.—In establishing
the program under this section, the Secretary
shall consider—

(A) the extent of nascent research capabili-
ties and planned research capabilities at eligi-
bile institutions, with respect to research areas of interest to the Department of De-
fense;

(B) recommendations from previous stud-
ies for increasing the level of research activ-
ity status at high research activity status histori-
cally Black colleges and universities and other minority-serving institutions toward
achieving very high research activity status
classification during the program, including measurable milestones as growth in very high
research activity status indicators and other relevant factors;

(C) how such institutions will sustain the
increased level of research activity; and

(D) how such institutions will evaluate and
assess progress;

(E) reporting requirements for such instit-
tutions participating in the program.

(3) PROGRAM COMPONENTS.—

(A) ELEMENTS.—The Secretary may con-
sider aspects of the program that address—

(i) faculty professional development;

(ii) stipends for undergraduate and grad-
uate students and post-doctoral scholars;

(iii) laboratory equipment and instrumen-
tation;

(iv) recruitment and retention of faculty
and graduate students;

(v) communication and dissemination of
products produced as part of the program;

(vi) construction, modernization, rehabili-
tation, or retrofitting of facilities for re-
such purposes; and

(vii) other activities necessary to build ca-
pacity in achieving very high research activity
status indicators.

(B) PRIORITY AREAS.—The Secretary shall
establish and update, on an annual basis, a
list of research priorities for STEM and crit-
cal technologies appropriate for the pro-
gram established under this section.

(c) EVALUATION.—Not later than 2 years
after the date of the enactment of this sec-
tion and every 2 years thereafter until the
termination of the program, the Secretary
shall prepare and submit a report to the
Committees on Armed Services of the Senate
and the House of Representatives providing
an update on the program, including—

(1) activities carried out under the pro-
gram;

(2) an analysis of the growth in very high
research activity status indicators among
eligible institutions that participated in the
program under this section; and

(3) emerging research areas of interest to
the Department of Defense conducted by eli-
gible institutions that participated in the
program under this section.
SA 6459. Mr. REED (for Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strength for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1205. MODIFICATION OF REGIONAL DEFENSE COMBATTING TERRORISM AND IRREGULAR WARFARE FELLOWSHIP PROGRAM AND PLAN FOR IRREGULAR WARFARE EDUCATION.

(a) Modification of Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program and Plan for Irregular Warfare Education.

(I) Mission.—The mission of the Irregular Warfare Center shall be to support the Government of Ukraine in such efforts.

SA 6460. Mr. REED (for Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strength for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitles C and D of title III, add the following:

SEC. 345. MODIFICATION OF REGIONAL DEFENSE COMBATTING TERRORISM AND IRREGULAR WARFARE FELLOWSHIP PROGRAM AND PLAN FOR IRREGULAR WARFARE EDUCATION.

(a) Modification of Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program and Plan for Irregular Warfare Education.

(I) Mission.—The mission of the Irregular Warfare Center shall be to support the Government of Ukraine in such efforts.
“(3) PARTNERSHIP WITH INSTITUTION OF HIGHER EDUCATION.—

“(A) IN GENERAL.—In operating the Irregular Warfare Center, to promote integration throughout the United States Government and civil society across the full spectrum of Irregular Warfare competition and conflict challenges, the Secretary of Defense may partner with an institution of higher education in a Government-owned, contractor-operated partnership, such as the partnership structure used by the Department of Defense for University Affiliated Research Centers, for meeting the mission requirements of the following:

“(I) enter into such a contract, cooperative agreement, or an intergovernmental support agreement pursuant to section 2679; or

“(II) awarding a grant; and

“(B)内で, (1) the first sentence, by striking ‘‘$35,000,000’’ and inserting ‘‘$100,000,000’’; or

“(2) may, after an annual review under section 345 of title 10, United States Code, should be known as the ‘‘John S. McCain Body Armor Studies on Irregular Warfare’’.

SA 6461. Mr. REED (for Mrs. SHAHEEN (for herself, Mr. MORAN, and Ms. HASSEN)) submitted an amendment intended to be proposed to amendment SA 5490 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 836. REQUIREMENTS TO BUY CERTAIN ITEMS RELATED TO NATIONAL SECURITY.

(a) In General.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following:

SEC. 836. REQUIREMENTS TO BUY CERTAIN ITEMS RELATED TO NATIONAL SECURITY.

(a) In General.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following:

(b) In lieu of paragraphs (1) through (4) of subsection (a), the following is inserted in lieu thereof:

“(A) Footwear provided as part of a uniform.

“(B) Uniforms.

“(C) Holsters and tactical pouches.

“(D) Body armor components intended to provide ballistic protection for an individual, consisting of 1 or more of the following:

“(i) Soft ballistic panels.

“(ii) Hard ballistic plates.

“(iii) Concealed armor carriers worn under a uniform.

“(iv) External armor carriers worn over a uniform.

“(iii) Insignia or insignia destroyed, the quantity of such covered item with such insignia or such insignia, if such covered item with such insignia or such insignia, as the case may be, is not produced, applied, or assembled in the United States, shall—

“(i) store such covered item with such insignia or such insignia in a locked area;

“(ii) report any pilferage or theft of such covered item with such insignia or such insignia occurring at any stage before delivery of such covered item with such insignia or such insignia; and

“(iii) destroy any such defective or unusable covered item with insignia or insignia in a manner established by the Secretary, and maintain records, for three years after the creation of such records, of such destruction that include the date of such destruction, a description of the covered item with insignia or insignia destroyed, the quantity of such covered item with insignia or insignia destroyed, the method of destruction.

“(C) Waiver.—

“(A) In General.—In the case of a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) or a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5701), the Secretary may waive a requirement in subparagraph (A), (B) or (C) of paragraph (1) if the Secretary determines that the efficient and effective supply of a covered item that meets the requirement.

“(B) Notice.—Not later than 60 days after the date on which the Secretary determines a waiver under subparagraph (A) is necessary, the Secretary shall provide to the
Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives.

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


(B) An assessment of the capacity of the Department of Homeland Security to procure the following items from domestic sources:

(i) Personal protective equipment and other items identified as part of a pandemic such as that caused by COVID-19.

(ii) Helmets that provide ballistic protection and other head protection and compounds.

(iii) Rain gear, cold weather gear, and other environmental and flame resistant clothing.

(C) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-286; 116 Stat. 2135) is amended by inserting after the item relating to section 836 the following:

"Sec. 836. Requirements to buy certain items related to national security interests.

2. EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsection (a) shall take effect three years after the date of enactment of this Act.

3. OFFICE OF MANAGEMENT AND BUDGET REPORT AND BRIEFING.—Not later than 270 days after the date of enactment of this Act, the Director of Management and Budget, in coordination with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall prepare and submit to the Majority Leader and Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority leader of the House of Representatives, and the appropriate congressional committees (as defined in section 889(f) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 116-93 the U.S. 3901 note prec.)) a report and briefing on:

(1) the implementation of the amendments made by subsection (a) (including any challenges in the implementation);

(2) the effectiveness and utility of the waiver authority under subsection (d) of such section 889.

SA 6463. Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. Reed (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 875. PROHIBITION ON CERTAIN SEMICONDUCTOR PRODUCTS AND SERVICES. (a) IN GENERAL.—Section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (123 Stat. 2232; 41 U.S.C. 3901 note prec.) is amended—

(1) in the section heading, by inserting "AND SEMICONDUCTOR PRODUCTS OR SERVICES" after "Equipment";

(2) in subsection (a)(1), by inserting "or covered semiconductor products or services," after "equipment or services" both places it appears;

(3) in subsection (d), by adding at the end the following new paragraph:

"(3) SECRETARY OF DEFENSE.—The Secretary of Defense shall provide a waiver on a date later than the effective dates described in subsection (c) if the Secretary determines the waiver is in the national security interests of the United States.

(c) WEATHERIZATION READINESS FUND.—"(1) IN GENERAL.—The Secretary shall establish a fund to be known as the 'Weatherization Readiness Fund', from which the Secretary shall distribute funds to States receiving financial assistance under this part, in accordance with subsection (a).

(b) USE OF FUNDS.—"(A) IN GENERAL.—A State receiving funds under paragraph (1) shall use the funds for repairs to dwelling units described in subparagraph (B) that will prevent structural defects or hazards of the dwelling unit so that weatherization measures may be installed.

(c) REQUIREMENT.—A dwelling unit referred to in subparagraph (A) is a dwelling unit occupied by a low-income person that, on inspection pursuant to the program under this part, was found to have significant defects or hazards that prevented the installation of weatherization measures under the program.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under section 422, there is authorized to be appropriated for fiscal year 2023 $155,000,000 for expenses of the Federal Government for the purpose of carrying out this part.
to be appropriated to the Secretary to carry out this subsection $30,000,000 for each of fiscal years 2023 through 2027.”.

(b) STATE AVERAGE COST PER UNIT.—(1) The Secretary may make a payment under section 5009.020 of the Energy Conservation and Production Act (42 U.S.C. 6865(c)) is amended—
       (A) in paragraph (1)—
          (i) in the matter preceding subparagraph (A)—
             (I) in the first sentence, by striking "$6,500" and inserting "$12,000"; and
             (II) by striking “(c)(1)” and inserting as provided in paragraphs (3) and (4); and
       (2) in the manner preceding subparagraph (B)—
          (i) by striking paragraphs (3) and (4) and inserting the following:

            “(c) FINANCIAL ASSISTANCE.—

            (1) IN GENERAL.—Except as provided in paragraphs (4), (5), and (6), (B) in paragraph (2), in the first sentence, by striking “weatherized (including dwelling units partially weatherized) and inserting “fully weatherized”;

            (C) in paragraph (4), by striking “$3,000” and inserting “$6,000”;

            (D) in paragraph (5), by striking “(6)(A)“ and inserting “(7)(A)(i)”;

            (E) in subparagraph (A)(i), by striking “(6)(A)(i)” and inserting “(7)(A)(i)”;

            (F) by inserting after paragraph (6) the following:

            “(6) LIMIT INCREASE.—The Secretary may increase the amount of financial assistance provided per dwelling unit under this part beyond the limit specified in paragraph (1) if the Secretary determines that market conditions require such an increase to achieve the purposes of this part.”.

(2) CONFORMING AMENDMENT.—Section 414D(b)(1)(C) of the Energy Conservation and Production Act (42 U.S.C. 6864d(b)(1)(C)) is amended by striking “415(c)(6)(A)” and inserting “415(c)(7)

SA 6464. Mr. REED (for Mr. PETERS (for himself and Mr. PORTMAN)) submitted an amendment intended to be proposed paragraph (c)(1) of the amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS MATTERS

SEC. 5001. TABLE OF CONTENTS.
The table of contents for this division is as follows:

DIVISION E—HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS MATTERS

Sec. 5001. Table of contents.

TITLE LI—HOMELAND SECURITY

Subtitle A—Global Catastrophic Risk Management Act of 2022

Sec. 5101. Short title.
Sec. 5102. Definitions.
Sec. 5103. Assessment of global catastrophic risk.
Sec. 5104. Report required.
Sec. 5105. Enhanced catastrophic incident annex.
Sec. 5106. Validation of the strategy through exercise.
Sec. 5107. Recommendations.
Sec. 5108. Reporting requirements.
Sec. 5109. Rule of construction.

Subtitle B—DHS Economic Security Council

Sec. 5110. DHS Economic Security Council.
Sec. 5111. DHS Economic Security Council.

Subtitle C—Transnational Criminal Investigative Units

Sec. 5121. Short title.
Sec. 5122. Stipends for transnational criminal investigative units.

Subtitle D—Technological Hazards Preparedness and Training

Sec. 5131. Short title.
Sec. 5132. Definitions.
Sec. 5133. Definitions and Training for Communities with Technological Hazards and Related Emerging Threats.
Sec. 5135. Savings provision.

Subtitle E—Offices of Countering Weapons of Mass Destruction and Health Security

Sec. 5141. Short title.
Sec. 5142. Countering Weapons of Mass Destruction Office.
Sec. 5143. Rule of construction.

CHAPTER 2—OFFICE OF HEALTH SECURITY

Sec. 5144. Office of Health Security.
Sec. 5145. Medical countermeasures program.
Sec. 5146. Confidentiality of medical quality assurance records.
Sec. 5147. Technical and conforming amendments.

Subtitle F—Satellite Cybersecurity Act

Sec. 5151. Short title.
Sec. 5152. Definitions.
Sec. 5153. Report on commercial satellite cybersecurity.
Sec. 5154. Responsibilities of the Cybersecurity and Infrastructure Security Agency.
Sec. 5155. Strategy.
Sec. 5156. Rules of construction.

Subtitle G—Pray Safe Act

Sec. 5161. Short title.
Sec. 5162. Definitions.
Sec. 5164. Grant program overview.
Sec. 5165. Other resources.
Sec. 5167. Rule of construction.
Sec. 5168. Exemption.

Subtitle H—Invent Here, Make Here for America’s Taxpayers

Sec. 5171. Short title.
Sec. 5172. Preference for United States industry.
Sec. 5173. DHS Joint Task Forces Reauthorization.
Sec. 5174. Short title.
Sec. 5175. Sense of the Senate.

Subtitle J—Other Provisions

CHAPTER 1—CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS

Sec. 5191. CISA Technical Corrections and Improvements.
Sec. 5192. Post-Disaster Mental Health Response.
(3) Critical Infrastructure.—The term "critical infrastructure" has the meaning given in the term in section 101(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5180a), providing for the basic needs of the civilian population of the United States that is impacted by catastrophic incidents in the United States;

(4) Existential Risk.—The term "existential risk" means the potential for an outcome that would result in human extinction.

(5) Global Catastrophic Risk.—The term "global catastrophic risk" means the risk of events or incidents consequential enough to significantly harm, set back, or destroy human civilization at the global scale.

(6) Global Catastrophic and Existential Threats.—The term "global catastrophic and existential threats" means those threats that with varying likelihood can produce consequences severe enough to result in significant harm or destruction of human civilization, anthropogenic global scale, or lead to human extinction. Examples of global catastrophic and existential threats include severe global pandemics, nuclear war, asteroid and comet impacts, supervolcanoes, sudden and severe changes to the climate, and intentional or accidental threats arising from the use and development of emerging technologies.

(7) Indian Tribal Government.—The term "Indian tribal government" has the meaning given in the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(8) Local Government; State.—The terms "local government" and "State" have the meaning given in those terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(9) National Exercise Program.—The term "national exercise program" means activities carried out to test and evaluate the national preparedness goal and related plans and subnational plans and strategies as described in section 648(b) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)).

(10) Secretary.—The term "Secretary" means the Secretary of Homeland Security.

SEC. 5105. ASSESSMENT OF GLOBAL CATASTROPHIC RISK.

(a) In General.—The Secretary shall conduct an assessment of global catastrophic risk.

(b) Consultation.—When conducting the assessment under subsection (a), the Secretary shall consult with senior representatives of—

(1) the Assistant to the President for National Security Affairs;

(2) the Director of the Office of Science and Technology Policy;

(3) the Administrator of the Federal Emergency Management Agency;

(4) the Secretary of State and the Under Secretary of State for Arms Control and International Security;

(5) the Attorney General and the Director of the Federal Bureau of Investigation;

(6) the Secretary of Energy, the Under Secretary for Energy for Nuclear Security, and the Director of the National Nuclear Security Administration;

(7) the Secretary of Health and Human Services, the Assistant Secretary for Preparedness and Response, and the Assistant Secretary of Global Affairs;

(8) the Secretary of Commerce, the Under Secretary of Commerce for Oceans and Atmosphere, and the Under Secretary of Commerce for Standards and Technology;

(9) the Secretary of the Interior and the Director of the United States Geological Survey;

(10) the Administrator of the Environmental Protection Agency and the Assistant Administrator for Water;

(11) the Administrator of the National Aeronautics and Space Administration;

(12) the Director of the National Science Foundation;

(13) the Secretary of the Treasury;

(14) the Chair of the Board of Governors of the Federal Reserve System;

(15) the Secretary of Defense, the Assistant Secretary of Civil Works, and the Chief of Engineers and Commanding General of the Army Corps of Engineers;

(16) the Chairman of the Joint Chiefs of Staff;

(17) the Administrator of the United States Agency for International Development;

(18) the Secretary of Transportation; and

(19) other holders of the Secretary determines appropriate.

SEC. 5104. REPORT REQUIRED.

(a) In General.—Not later than 1 year after the date of this Act and every 10 years thereafter, the Secretary shall submit to Congress a report containing a detailed assessment of global catastrophic and existential risk.

(b) Matters Covered.—Each report required under subsection (a) shall include—

(1) expert estimates of cumulative global catastrophic and existential risk in the next 30 years, including separate estimates for the likelihood of occurrence and potential consequences;

(2) expert-informed analyses of the risk of the most concerning specific global catastrophic and existential threats, including separate estimates, where reasonably feasible and credible, for the likelihood of occurrence and its potential consequences, as well as associated uncertainties;

(3) a comprehensive list of potential catastrophic or existential threats, including even those that may have very low likelihood;

(4) technical assessments and lay explanations of the analyzed global catastrophic and existential risks, including their qualitative character and key factors affecting their likelihood of occurrence and potential consequences;

(5) an explanation of any factors that limit the ability of the Secretary to assess the risk both cumulatively and for particular threats, and how those limitations may be overcome through future research or with additional resources, programs, or authorities;

(6) a review of the effectiveness of intelligence collection, early warning and detection systems, or other functions and programs necessary to evaluate the risk of particular global catastrophic and existential threats, if any exist and as applicable for particular threats;

(7) a forecast of if and why global catastrophic and existential risk is likely to increase or decrease significantly in the next 30 years, both qualitatively and quantitatively, as well as a description of associated uncertainties;

(8) proposals for how the Federal Government may more adequately assess global catastrophic and existential risk on an ongoing basis in future years;

(9) recommendations for legislative actions, as appropriate, to support the evaluation and assessment of global catastrophic and existential risk; and

(10) other matters deemed appropriate by the Secretary.

(c) CONSULTATION REQUIREMENT.—In producing the report required under subsection (a), the Secretary shall regularly consult with experts on global catastrophic and existential risk from non-governmental, academic, and private sector institutions.

SEC. 5106. ENHANCED CATASTROPHIC INCIDENT STRATEGY.

(a) In General.—The Secretary shall supplement each Federal Interagency Operational Plan to include an annex containing a strategy to ensure the health, safety, and general welfare of the civilian population affected by catastrophic incidents by—

(1) providing for the basic needs of the civilian population of the United States that is impacted by catastrophic incidents in the United States;

(2) coordinating response efforts with State, local, and Indian Tribal governments, the private sector, and nonprofit relief organizations;

(3) promoting personal and local readiness and non-reliance on government relief during periods of heightened tension or after catastrophic incidents; and

(4) developing international partnerships with allied nations for the provision of relief services and goods.

(b) ELEMENTS OF THE STRATEGY.—The strategy required under subsection (a) shall include a description of—

(1) actions the Federal Government should take to ensure the basic needs of the civilian population of the United States in a catastrophic incident are met;

(2) how the Federal Government should coordinate with non-Federal entities to multiply resources and enhance relief capabilities, including—

(A) State and local governments;

(B) Indian Tribal governments;

(C) State disaster relief agencies; and

(D) State and local disaster relief management agencies;

(E) State National Guards;

(F) law enforcement and first response entities; and

(G) nonprofit relief services;

(3) actions the Federal Government should take to enhance individual resiliency to the effects of a catastrophic incident, which actions shall include—

(A) readiness alerts to the public during periods of elevated threat;

(B) efforts to enhance domestic supply and availability of critical goods and basic necessities; and

(C) information campaigns to ensure the public is aware of response plans and services that will be activated when necessary;

(4) efforts the Federal Government should undertake and agreements the Federal Government should seek with international allies to enhance the readiness of the United States to provide for the general welfare;

(5) how the strategy will be implemented should multiple levels of critical infrastructural functions be destroyed or destroyed by catastrophic incidents; and

(6) the authorities the Federal Government should implicate in responding to a catastrophic incident.

(c) Assumptions.—In designing the strategy under subsection (a), the Secretary shall account for certain factors to make the strategy operationally viable, including the assumption that—

(1) multiple levels of critical infrastructure have been taken offline or destroyed by catastrophic incidents or the effects of catastrophic incidents;

(2) impacted sectors may include—

(A) the transportation sector;

(B) the communication sector;

(C) the energy sector;

(D) the healthcare and public health sector;

(E) the water and wastewater sector; and

(F) the financial sector;

(3) State, local, Indian Tribal, and territorial governments are equally affected or made largely inoperable by catastrophic incidents or the effects of catastrophic incidents;

(4) the emergency has exceeded the response capabilities of State, local, and Indian Tribal governments under the Robert T.
staff disaster relief and emergency assistance act (42 u.s.c. 521 et seq.) and other relevant disaster response laws; and
(5) the united states military is sufficiently equipped in armed or cyber support with state or non-state adversaries, or is otherwise unable to augment domestic response capabilities in a significant manner due to a crisis incident.

sec. 5106 validation of the strategy through an exercise.

not later than 1 year after the addition of the department of homeland security to section 5105, the department of homeland security shall lead an exercise as part of the national exercise program to test and enhance the operationalization of the strategy required under section 5105.

sec. 5107 recommendations.

(a) in general.—the secretary shall provide recommendations to congress for
(1) action that should be taken to prepare the united states to implement the strategy required under section 5105, increase readiness, and address preparedness gaps for response to the impact of catastrophic incidents on citizens of the united states; and
(2) additional authorities that should be considered for federal agencies to more effectively implement the strategy required under section 5105.

(b) inclusion in reports.—the secretary may include the recommendations required under subsection (a) in a report submitted under section 5108.

sec. 5108 reporting requirements.

not later than 1 year after the date on which the department of homeland security leads the exercise under section 5106, the secretary shall submit to congress a report that includes—
(1) a description of the efforts of the secretary to develop and update the strategy required under section 5105; and
(2) an after-action report following the conduct of the exercise described in section 5106.

sec. 5109 rule of construction.

nothing in this subtitle shall be construed to supersede the civilian emergency management authority of the administrator of the federal emergency management agency under the robert t. stafford disaster relief and emergency assistance act (42 u.s.c. 521 et seq.) or the post katrina emergency management reform act (6 u.s.c. 701 et seq.).

subtitle b—dhs economic security council

sec. 5111 dhs economic security council.

(a) establishment of the dhs economic security council.—

(1) definitions.—in this subsection:

(A) council.—the term "council" means the dhs economic security council established under paragraph (2).

(B) department.—the term "department" means the department of homeland security.

(c) economic security.—the term "economic security" has the meaning given that term in section 860(b)(2)(a) of the homeland security act (42 u.s.c. 5474(b)(2)).

(d) secretary.—the term "secretary" means the secretary of homeland security.

(2) dhs economic security council.—in accordance with the mission of the department under section 101(b) of the homeland security act of 2002 (6 u.s.c. 111(b)), and in particular paragraph (1)(f) of that section, the department shall establish a standing council of component heads or their designees within the department, which shall be known as the "dhs economic security council.

(3) duties of the council.—pursuant to the scope of the mission of the department as described in paragraph (2), the council shall provide to the secretary advice and recommendations on matters of 1 security, including—

(A) identifying concentrated risks for trade and economic security;

(B) setting priorities for securing the trade and economic security of the united states; and

(c) coordinating cross-sector actions with respect to trade and economic security matters;

(d) with respect to the development of the continuity of the economy plan of the presidents emergency preparedness (pep) board, the council shall serve as the homeland economic security council.

(e) proposing regulatory and statutory changes impacting trade and economic security; and

(f) any other matters the secretary considers appropriate.

(4) chair and vice chair.—the under secretary for strategy, policy, and plans of the department—

(A) shall serve as chair of the council; and

(B) may designate a council member as vice chair.

(5) meetings.—the council shall meet not less frequently than quarterly, as well as

(A) at the call of the chair;

(B) at the direction of the secretary.

(6) briefings.—not later than 180 days after the date of enactment of this act and every 180 days thereafter for 4 years, the council shall brief the committee on homeland security and governmental affairs of the senate, the committee on homeland security of the house of representatives, the committee on finance of the senate, and the committee on ways and means of the house of representatives on the actions and activities of the council.

(b) assistant secretary for economic security.—section 709 of the homeland security act of 2002 (6 u.s.c. 349) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (g) the following:

"(g) assistant secretary for economic security.—

(1) in general.—there is established within the office of strategy, policy, and plans an assistant secretary for economic security.

(2) duties.—at the direction of the under secretary for strategy, policy, and plans, the assistant secretary for economic security shall be responsible for policy formulation regarding matters relating to economic security and trade, as such matters relate to the mission and the operations of the department.

(3) additional responsibilities.—in addition to the duties specified in paragraph (2), the assistant secretary for economic security, at the direction of the under secretary for strategy, policy, and plans, may—

(A) oversee—

(i) coordination of supply chain policy; and

(ii) assessments and reports to congress related to critical economic security domains;

(B) serve as the representative of the under secretary for strategy, policy, and plans for the purposes of representing the department on—

(i) the committee on foreign investment in the united states; and

(ii) the committee for the assessment of foreign participation in the united states telecommunications services sector;

(C) coordinate with stakeholders in other federal departments and agencies and non-governmental entities with trade and economic security interests, authorities, and responsibilities; and

(d) perform such additional duties as the secretary or the under secretary for strategy, policy, and plans may prescribe.

"(c) definitions.—in this subsection:

(1) critical economic security domain.—the term 'critical economic security domain' means any infrastructure, industry, technology, or intellectual property (or component thereof) that is essential for the economic security of the united states.

(2) economic security.—the term 'economic security' has the meaning given that term in section 860(b)(2).

(c) rule of construction.—nothing in this section or the amendments made by this section shall be construed to affect or diminish the authority of any other officer of the department of homeland security.

subtitle c—transnational criminal investigative units

sec. 5121 short title.

this subtitle may be cited as the "transnational criminal investigative unit stipend act.""
Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the House of Representatives that describes—

(a) the procedures used for vetting Transnational Criminal Investigative Unit members to include compliance with the vetting required under paragraph (3); and
(b) any additional measures that should be implemented to prevent personnel in vetted units from being compromised by criminal organizations.

(d) MONETARY STIPEND.—The Executive Associate Director of Homeland Security Investigations is authorized to pay vetted members of a Transnational Criminal Investigative Unit a monetary stipend in an amount associated with their duties dedicated to unit activities.

(e) ANNUAL BRIEFING.—The Executive Associate Director of Homeland Security Investigations, during the 5-year period beginning on the date of enactment of this Act, shall provide an annual unclassified briefing to the committees referred to in subsection (c)(3), which may include a classified session, if necessary, that identifies—

(1) the number of vetted members of Transnational Criminal Investigative Unit in each country;
(2) the amount paid in stipends to such members, classified by country;
(3) relevant enforcement statistics, such as arrests and progress made on joint investigations, in each such country; and
(4) any vetted members of the Transnational Criminal Investigative Unit in each country were involved in any unlawful activity, including human rights abuses or significant corruption.

(b) CLERICAL AMENDMENT.—The table of contents for the Homeland Security Act of 2002 (Public Law 107–296) is amended by inserting after the item relating to section 890B the following:

"Sec. 890C. Transnational Criminal Investigative Units."
“(D) in coordination with the Office of Intelligence and Analysis, support components of the Department, and Federal, State, local, Tribal, and territorial partners, provide intelligence analysis, conduct threat analysis, and counter threats to the United States from weapons of mass destruction and and chemical, biological, radiological, nuclear, and other related emerging threats;

“(E) with the Science and Technology Directorate, assess risk to the United States from weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

“(F) lead development and prioritization of Department requirements to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats; subject to the research, development, testing, and evaluation coordination requirement under subparagraph (G), which requires shall be—

“(i) developed in coordination with end users; and

“(ii) reviewed by the Joint Requirements Council, as directed by the Secretary;

“(G) in coordination with the Science and Technology Directorate, direct, fund, and coordinate capacity development, and the Department to counter weapons of mass destruction and all chemical, biological, radiological, nuclear, and other related emerging threats research, development, test, and evaluation matters, including research, development, testing, and evaluation expertise, threat characterization, technology maturation, prototyping, and technology transfers;

“(H) acquire, procure, and deploy counter weapons of mass destruction capabilities, and serve as the lead advisor of the Department on component acquisition, procurement, and deployment of counter-weapons of mass destruction capabilities;

“(I) (1) in coordination with the Office of Health Security, support components of the Department, and Federal, State, local, Tribal, and territorial partners on chemical, biological, radiological, nuclear, and other related emerging threats health matters;

“(J) provide expertise on weapons of mass destruction and chemical, biological, radiological, nuclear, and related emerging threats capabilities, and serve as the lead advisor of the Department on component acquisition, procurement, and deployment of counter-weapons of mass destruction capabilities;

“(K) perform other duties as assigned by the Secretary.

“SEC. 1929. ACCOUNTABILITY.

“(1) shall be responsible for coordinating with other Federal efforts to enhance the ability of Federal, State, local, and Tribal governments to prevent, detect, protect against, and respond to the threats to the United States from weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats against the United States; and

“(2) shall—

“(A) serve as a primary entity of the Federal Government to further develop, acquire, deploy, and support the operations of a national biodefense system in support of Federal, State, local, Tribal, and territorial governments, and improve that system over time;

“(B) enhance the chemical and biological detection efforts of Federal, State, local, Tribal, and territorial governments and provide guidance, tools, and training to help ensure a managed, coordinated response; and

“(C) collaborate with the Biomedical Advanced Research and Development Authority, the Office of Health Security, the Defense Advanced Research Projects Agency, and the National Aeronautics and Space Administration, and other relevant Federal stakeholders, and receive input from induces in the intelligence community (as defined in section 5 of the National Security Act of 1947 (50 U.S.C. 3003)), law enforcement agencies, other Federal agencies, State, local, Tribal, and territorial governments, and foreign governments, as well as provide appropriate information to those entities;

“(D) consult, as appropriate, with the Department of Homeland Security, and the National Science Foundation, the National Institutes of Health, and the National Institutes of Justice to facilitate the recruitment of experts in the chemical, biological, radiological, or nuclear specialties.

“(E) in section 1929 (6 U.S.C. 596b), by striking the following:

“(A) in clause (i), by striking ‘‘destruction and chemical, biological, radiological, nuclear, and other related emerging threats; and

“(B) in clause (ii), by striking ‘‘Local, Tribal, and

“(C) in subsection (b), as so redesignated—

“(i) in the subsection heading, by striking ‘‘MISSION’’ and inserting ‘‘RADIOLOGICAL AND NUCLEAR RESPONSIBILITIES’’

“(ii) in paragraph (I), by inserting ‘‘deploy,’’ after ‘‘acquire,’’ and

“(iii) by striking paragraphs (6) through (10); and

“(iv) redesignating paragraphs (11) and (12) as paragraphs (6) and (7), respectively;

“(v) in paragraph (7)(C)(v), as so redesignated—

“(I) in the matter preceding subclause (I), by inserting ‘‘except as otherwise provided,’’ before ‘‘require’’; and

“(II) in subclause (II)—

“(aa) in the matter preceding item (aa), by striking ‘‘death, disability, or a finding of good cause as determined by the Assistant Secretary’’ (including extreme hardship, extreme need, or the ability of the jurisdiction to which the Assistant Secretary may grant a waiver of the repayment obligation); and

“(bb) in item (bb), by adding ‘‘and’’ at the end;

“(vi) by striking paragraph (13); and

“(vii) by redesignating paragraph (14) as paragraph (8); and

“(D) in subsection (c), as so redesignated, the following—

“(C) CHEMICAL AND BIOLOGICAL RESPONSIBILITIES.—The Office—

“(1) shall be responsible for coordinating with other Federal efforts to enhance the ability of Federal, State, local, and Tribal governments to prevent, detect, protect against, and respond to the threats to the United States from weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats against the United States; and

“(2) shall—

“(A) in coordination with the Office of Homeland Security, the Department of State, the Department of Defense, and other Federal agencies, and work with international partners to support engagement and efforts with international partners subject to the research, development, testing, and evaluation coordination requirement under subparagraph (G), which requires the following—

“(i) developed in coordination with end users; and

“(ii) reviewed by the Joint Requirements Council, as directed by the Secretary;

“(B) in coordination with the Office of Health Security, support components of the Department, and Federal, State, local, Tribal, and territorial partners on chemical, biological, radiological, nuclear, and related emerging threats health matters;

“(C) provide expertise on weapons of mass destruction and chemical, biological, radiological, nuclear, and related emerging threats capabilities, and serve as the lead advisor of the Department on component acquisition, procurement, and deployment of counter-weapons of mass destruction capabilities;

“(D) in coordination with the Office of Health Security, support components of the Department, and Federal, State, local, Tribal, and territorial partners on chemical, biological, radiological, nuclear, and related emerging threats health matters;

“(E) in section 1929 (6 U.S.C. 596b), by striking the following:

“(A) in clause (i), by striking ‘‘required under section 1036 of the National Defense Authorization Act for Fiscal Year 2010’’;

“(B) in clause (ii), by striking ‘‘and’’ at the end;

“(C) in clause (iii), by striking the period at the end and inserting ‘‘and’’; and

“(D) by adding at the end the following:

“(iv) includes any other information regarding national technical nuclear forensics activities carried out under section 1929;”;

“(E) in section 1928 (6 U.S.C. 596b), by striking the following:

“(A) in subsection (c)(1), by striking ‘‘from any applicable civil, criminal, or administrative action under section 1923’’ and inserting ‘‘based on the capability and capacity of the jurisdiction, as well as the relative threat, vulnerability, and consequence from terrorism attacks and other high-consequence events utilizing nuclear or other radioactive materials’’; and

“(B) by striking subsection (d) and inserting the following—

“SEC. 1929. ACCOUNTABILITY.

“(A) DEPARTMENTWIDE STRATEGY.—

“(i) in general.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary shall submit to the appropriate congressional committees an update on the STC program and

“(ii) by adding at the end the following:

“SEC. 1929. ACCOUNTABILITY.

“(A) DEPARTMENTWIDE STRATEGY.—

“(i) in general.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, and every 4 years thereafter, the Secretary shall create a Departmentwide strategy and implementation plan to counter weapons of mass destruction and chemical, biological, radiological, and other related emerging threats, which should—

“(A) have clearly identified authorities, specified roles, objectives, benchmarks, accountability, and timelines; and

“(B) incorporate the perspectives of non-Federal and private sector partners; and
“(C) articulate how the Department will contribute to relevant national-level strategies and work with other Federal agencies.

(2) CONSIDERATION.—The Secretary shall approve a biodefense strategy for the Department, including strategies and implementation plans required under paragraph (1).

(3) REPORT.—The Office shall submit to the appropriate congressional committees a report on its updated Department-wide biodefense strategy and implementation plan required under paragraph (1).

(b) DEPARTMENTWIDE BIODEFENSE REVIEW AND STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary, in consultation with appropriate stakeholders representing Federal, State, Tribal, territorial, private sector, and nongovernmental entities, shall conduct a Department-wide review of biodefense activities and strategies.

(2) REVIEW.—The review required under paragraph (1) shall—

(A) identify with specificity the biodefense strategy of the Department, including relating to biodefense roles, responsibilities, and capabilities of components and offices of the Department;

(B) assess whether components and offices coordinate internally and with public and private partners in the biodefense enterprise;

(C) identify any policy, resource, capability, or other gaps in the Department’s ability to assess, prevent, protect against, and respond to biological threats; and

(D) identify organizational changes or reforms necessary for the Department to effectively execute its biodefense mission and role, including with respect to public and private partners in the biodefense enterprise.

(3) STRATEGY.—Not later than 1 year after the date of the review required under paragraph (1), the Secretary shall issue a biodefense strategy for the Department that—

(A) is informed by such review and is aligned with section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104; relating to the development of a national strategy and an associated implementation plan, including a review and assessment of biodefense policies, practices, programs, and initiatives) or any successor strategy; and

(B) shall—

(i) describe the biodefense mission and role of the Department, as well as how such mission and role relates to the biodefense lines of effort of the Department;

(ii) clarify, as necessary, biodefense roles, responsibilities, and capabilities of the components and offices of the Department involved in the biodefense lines of effort of the Department;

(iii) establish how biodefense lines of effort of the Department are to be coordinated within the Department;

(iv) establish how the Department engages with public and private partners in the biodefense enterprise, including other Federal agencies, national laboratories and sites, and State, local, Tribal, and territorial entities, with specificity regarding the frequency and manner of such engagement by Department components and offices with State, local, Tribal and territorial entities; and

(v) include information relating to—

(I) milestones and performance metrics that are specific to the biodefense mission and role of the Department described in clause (i); and

(II) implementation of any operational changes necessary to carry out clauses (iii) and (iv).

(4) PERIODIC UPDATE.—Beginning not later than 5 years after the issuance of the biodefense strategy and implementation plans required under paragraph (3), and not less often than once every 5 years thereafter, the Secretary shall review and update, as necessary, such strategy and plans.

(g) COMPTROLLER GENERAL.—Not later than 30 days after the issuance of the biodefense strategy and implementation plans required under paragraph (3), the Secretary shall brief the Homeland Security and Governmental Affairs Committee of the Senate and the Committee on Homeland Security of the House of Representatives regarding such strategy and plans.

(h) EMPLOYEE MORALE.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Office shall submit to and brief the appropriate congressional committees on a strategy and plans to continuously improve morale within the Office.

(i) COMPTROLLER GENERAL.—Not later than 1 year after the date of enactment of the Office of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Comptroller General of the United States shall conduct a brief review of the Office’s efforts to—

(I) the efforts of the Office to prioritize the programs and activities that carry out the mission of the Office, including research and development;

(II) the consistency and effectiveness of stakeholder coordination across the mission of the Office, including operational and support components of the Department and State and local entities; and

(III) the efforts of the Office to manage and coordinate the lifecycle of research and development within the Office and with other components of the Department, including the Science and Technology Directorate.

(j) NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE.—

(1) STUDY.—The Secretary shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a consensus study and report to the Secretary and the appropriate congressional committees on—

(A) the role of the Department in preparing, detecting, and responding to biological and health security threats to the homeland;

(B) recommendations to improve departmental biosurveillance efforts against biological threats, including any relevant biological detection methods and technologies; and

(C) the feasibility of different technological advances for biodefense compared to the cost, risk reduction, and timeliness of those advances.

(2) BRIEFING.—Not later than 1 year after the date on which the Secretary receives the report required under paragraph (1), the Secretary shall brief the appropriate congressional committees on—

(A) the implementation of the recommendations included in the report; and

(B) the status of biological detection at the Department, and, if applicable, timelines for the transition from BioWatch to updated technologies.

(k) ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary shall establish an advisory body to advise on the ongoing coordination of the efforts of the Department to counter weapons of mass destruction, to be known as the Advisory Council for Countering Weapons of Mass Destruction (referred to as the ‘Advisory Council’). The Advisory Council shall—

(A) be appointed by the Assistant Secretary; and

(B) to the extent practicable, represent a geographic (including urban and rural) and institutional cross section of officials, from State, local, and Tribal governments, academia, the private sector, national laboratories, and nongovernmental organizations, including, as appropriate—

(i) members selected from the emergency management field and emergency response public and private sector officials;

(ii) State, local, and Tribal government officials;

(iii) experts in the public and private sectors with expertise in chemical, biological, radiological, and nuclear agents and weapons;

(iv) representatives from the national laboratories; and

(v) such other individuals as the Assistant Secretary determines to be appropriate.

(l) RESPONSIBILITIES.—The Advisory Council shall—

(A) advise the Assistant Secretary on all aspects of countering weapons of mass destruction;

(B) incorporate State, local, and Tribal government, national laboratories, and private sector input in the development of the strategy and implementation plan of the Department for countering weapons of mass destruction; and

(C) establish performance criteria for a national biological detection system and review the testing protocol for biological detection prototypes.

(2) CONSULTATION.—To ensure input from and coordination with State, local, and Tribal governments, the Assistant Secretary shall regularly consult and work with the Advisory Council on the administration of Federal assistance provided by the Department, including with respect to the development of requirements for countering weapons of mass destruction programs, as appropriate.

(m) VOLUNTARY SERVICE.—The members of the Advisory Council shall serve on the Advisory Council on a voluntary basis.

(n) FACIA.—The Permanently Appointed Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.

(b) COUNTERING WEAPONS OF MASS DESTRUCTION ACT OF 2018.—Section 2 of the Countering Weapons of Mass Destruction Act of 2018 (Public Law 115–387; 132 Stat. 5162) is amended—

(1) in subsection (b)(2) (6 U.S.C. 591 note), by striking “20127” and inserting “2026”; and

(2) in subsection (g) (6 U.S.C. 591 note)—

(A) in the matter preceding paragraph (1), by striking “one year after the date of the enactment of this Act, and annually thereafter,” and inserting “June 30 of each year,”; and

(B) in paragraph (2), by striking “Security, including research and development activities” and inserting “Security”;

(c) SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT OF 2006.—The Security and Accountability for Every Port Act of 2006 (6 U.S.C. 901 et seq.) is amended—

(1) in section 1(b) (Public Law 109–347; 120 Stat. 3478), by striking the item relating to section 502; and

(2) by striking section 502 (6 U.S.C. 592a).
affect or diminish the authorities or responsibilities of the Under Secretary for Science and Technology.

CHAPTER 2—OFFICE OF HEALTH SECURITY

SEC. 5144. OFFICE OF HEALTH SECURITY.

(a) ESTABLISHMENT.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 103 (6 U.S.C. 113)—

(A) in subsection (a)(2)—

(i) by striking “the Assistant Secretary for Health Affairs,”; and

(ii) by striking “Affairs, or” and inserting “Affairs,”;

(B) in subsection (d), by adding at the end the following:

“(6) A Chief Medical Officer.”;

(2) by adding, at the end of title XVIII, the following—

“TITLE XVIII—OFFICE OF HEALTH SECURITY;

(3) by redesigning section 1931 (6 U.S.C. 597) as section 2301 and transferring such section to appear after the heading for title XXIII, as added by paragraph (2); and

(4) in section 2301, as so redesignated—

(A) in the section heading, by striking “CHIEF MEDICAL OFFICER” and inserting “OFFICE OF HEALTH SECURITY”;

(B) by striking subsections (a) and (b) and inserting the following—

“(a) OFFICE OF HEALTH SECURITY.—The Office of Health Security shall be headed by a chief medical officer, who shall—

“(1) be the Assistant Secretary for Health Security and the Chief Medical Officer of the Department;

“(2) be a licensed physician possessing a demonstrated ability in and knowledge of medicine and public health;

“(3) be appointed by the President; and

“(4) report directly to the Secretary.”;

(C) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking “medical issues related to natural disasters, acts of terrorism, and other man-made disasters” and inserting “oversight of all medical, public health, and workforce health and safety matters of the Department”;

(ii) in paragraph (1), by striking “the Administrator of the Federal Emergency Management Agency, the Assistant Secretary for Science and Technology, and other Department officials” and inserting “and all other Department officials”; and

(iii) in paragraph (4), by striking “and at the end—

(iv) by redesigning paragraph (5) as paragraph (15); and

(v) by inserting after paragraph (4) the following—

“(5) overseeing all medical and public health activities of the Department, including the delivery, advisement, and oversight of direct patient care and the organization, management, and staffing of component operations that deliver direct patient care;

“(6) advising the head of each component of the Department that delivers direct patient care regarding the recruitment and appointment of a component chief medical officer and deputy chief medical officer or the employee who functions in the capacity of chief medical officer and deputy chief medical officer;

“(7) advising the Secretary and the head of each component of the Department that delivers direct patient care regarding knowledge and skill standards for medical personnel and the assessment of that knowledge and skill;

“(8) advising the Secretary and the head of each component of the Department that delivers patient care regarding the collection, storage, and oversight of medical records;

“(9) with respect to any psychological health counseling or assistance program of the Department, ensure that such a program is in accordance with a law enforcement, operational, or support component of the Department, advising the head of each such component with such a program of the psychological health and safety needs of its employees; and

“(A) ensuring such program includes safeguards against adverse action, including automatic referrals for a fitness for duty examination by such component with respect to any employee solely because such employee self-identifies a need for psychological health counseling or assistance or receives such counseling or assistance;

“(B) increasing the availability and number of local psychological health professionals with adequate psychological support services to personnel;

“(C) establishing a behavioral health curriculum for employees at the beginning of their careers to provide resources early regarding the importance of psychological health;

“(D) establishing periodic management training on crisis intervention and such component’s psychological health counseling or assistance program;

“(E) improving any associated existing employee peer support programs, including by making additional training and resources available for peer support personnel in the workplace across such component;

“(F) developing and implementing a voluntary alcohol treatment program that includes a safe harbor for employees who seek treatment;

“(G) including, when appropriate, collaborating and partnering with key employee stakeholders and, for those components with employees who serve as Department representatives, the exclusive representative with respect to such a program;

“(H) in consultation with the Chief Information Officer of the Department—

“(i) identifying methods and technologies for managing, updating, and overseeing patient records; and

“(ii) setting standards for technology used by the components of the Department regarding the collection, storage, and oversight of medical records;

“(11) advising the Secretary and the head of each component of the Department that ensures direct patient care and contracts for the delivery of direct patient care, other medical and medical supplies;

“(12) coordinating with the Countering Weapons of Mass Destruction Office and other components of the Department as directed by the Secretary to enhance the ability of Federal, State, local, Tribal, and territorial governments to prevent, detect, protect against, and mitigate the health effects of chemical, biological, radiological, and nuclear clear issues; and

“(D) by adding at the end the following—

“(E) TRANSITION AND AGREEMENTS.—The Secretary, acting through the Chief Medical Officer, in support of the medical and public health activities of the Department, may—

“(1) provide technical assistance, training, and information and distribute funds through grants and cooperative agreements to State, local, Tribal, and territorial governments and nongovernmental organizations;

“(2) enter into other transactions;

“(3) enter into agreements with other Federal agencies or entities;

“(4) accept services from personnel of components of the Department and other Federal agencies on a reimbursable or nonreimbursable basis.

“(f) OFFICE OF HEALTH SECURITY PRIVACY OFFICER.—There shall be a Privacy Officer in the Office of Health Security with primary responsibility for privacy policy and compliance within the Office, who shall—

“(1) report directly to the Chief Medical Officer and

“(2) ensure privacy protections are integrated into all Office of Health Security activities, subject to the review and approval of the Secretary, the chief executive officer of the Department, and any other Department officials; and

“(2) by adding at the end the following:

“(B) in subsection (d), by adding at the end the following:

“(6) A Chief Medical Officer.”;

and

(C) in subsection (b)(2)—

(D) by adding at the end the following:

“(1) S T R A T E G Y AND IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of this section, and every 4 years thereafter, the Secretary shall create a Department-wide strategy and implementation plan to address health threats.

“(II) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall brief the appropriate congressional committees on the organizational transformations of the Office of Health Security, including how best practices were used in the creation of the Office of Health Security.”;

“(E) ACCOUNTABILITY.—

“(1) STRATEGIC AND IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of this section, the Secretary shall brief the appropriate congressional committees on the organizational transformations of the Office of Health Security, including how best practices were used in the creation of the Office of Health Security.”;

“(2) by redesigning section 710 (6 U.S.C. 350) as section 2302 and transferring such section to appear after section 2301, as so redesignated;

“(3) by redesigning section 2302, as so redesignated—

“(A) in the section heading, by striking “MEDICAL SUPPORT” and inserting “SAFETY”;

“(B) by redesigning section 2303 as section 2303 and transferring such section to appear after section 2302, as so redesignated;

“(4) in section 2303(a), as so redesignated, by striking “Assistant Secretary for the Countering Weapons of Mass Destruction Office” and inserting “Chief Medical Officer”;

“(5) by redesigning section 526 (6 U.S.C. 321q) as section 2303 and transferring such section to appear after section 2302, as so redesignated;

“(6) in section 2303(a), as so redesignated—

“(A) in the matter preceding paragraph (1), by striking “Assistant Secretary for Management, in coordination with the Chief Medical Officer” and inserting “Chief Medical Officer”; and

“(B) in paragraph (3), by striking “as deemed appropriate by the Under Secretary”;

“(7) by redesigning section 310 (6 U.S.C. 321q) as section 2303 and transferring such section to appear after section 2302, as so redesignated;

“(8) in section 2303(a), as so redesignated, by striking “Assistant Secretary for the Countering Weapons of Mass Destruction Office” and inserting “Chief Medical Officer”;

“(B) TRANSFER AND TRANSFERS.—

“(1) TRANSITION.—The individual appointed pursuant to section 1931 of the Homeland Security Act of 2002 (6 U.S.C. 597) of the Department of Homeland Security, as in effect on the day before the date of enactment of this Act, and serving as the Chief Medical Officer of the Department of Homeland Security on the day before the date of enactment of this Act, shall continue to serve as the Chief Medical Officer of the Department on and after the date of enactment of this Act without the need for reappointment.

“(2) RULE OF CONSTRUCTION.—The rule of construction described in section 2(h) of the Presidential Appointment Efficiency and Streamlining Act of 2011 (5 U.S.C. 3302 note) shall not apply to the Chief Medical Officer of the Department of Homeland Security, including the incumbent who holds the position on the day before the date of enactment of this Act, and such officer shall be paid pursuant to section 3323(a)(2) or 5315 of title 5, United States Code.

“(3) TRANSFER.—The Secretary of Homeland Security shall transfer to the Chief Medical Officer of the Department of Homeland Security—

“(A) all functions, personnel, budget authority, and assets of the Under Secretary for Management, relating to health and safety, as in existence on the day before the date of enactment of this Act;
(B) all functions, personnel, budget authority, and assets of the Assistant Secretary for the Countering Weapons of Mass Destruction Office relating to the Chief Medical Officer, including activities conducted by the Director of the Countering Weapons of Mass Destruction Office, as in existence on the day before the date of enactment of this Act; and

(C) all functions, personnel, budget authority, and assets of the Assistant Secretary for the Countering Weapons of Mass Destruction Office, as relevant to the efforts pertaining to the program coordination activities relating to defending the food, agriculture, and veterinary defenses of the Office, as in existence on the day before the date of enactment of this Act.

SEC. 5145. MEDICAL COUNTERMEASURES PROGRAM.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by redesignating section 1932 (6 U.S.C. 597a) as section 2304 and transferring such section to appear after section 2303, as so redesignated by section 5144 of this subtitle.

SEC. 5146. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

Title XXIX of the Homeland Security Act of 2002, as added by this chapter, is amended by adding at the end the following:

"SEC. 2905. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

'(a) Definitions.—In this section:

'(1) HEALTH CARE PROVIDER.—The term ‘health care provider’ means an individual who—

'(A) is—

'(i) an employee of the Department;

'(ii) a detaillee from another Federal agency;

'(iii) a personal services contractor of the Department; or

'(iv) hired under a contract for services;

'(B) performs health care services as part of duties of the individual in that capacity; and

'(C) has a current, valid, and unrestricted license or certification—

'(i) that is issued by a State, the District of Columbia, or a commonwealth, territory, or possession of the United States; and

'(ii) that is issued by a professional association, ophthalmic medicine, dentistry, nursing, emergency medical services, or another health profession.

'(2) MEDICAL QUALITY ASSURANCE PROGRAM.—The term ‘medical quality assurance program’ means any activity carried out by the Department to assess the quality of medical care, including activities conducted by individuals, committees, or other review bodies responsible for quality assurance, credentials, infection control, incident reporting, the delivery, advisement, and oversight of direct patient care and assessment (including treatment procedures, blood, drugs, and therapeutics), medical records, health resources, facility review, and identification and prevention of medical, mental health, or dental incidents and risks.

'(3) MEDICAL QUALITY ASSURANCE RECORD OF THE DEPARTMENT.—The term ‘medical quality assurance record of the Department’ means all information, including the proceedings, records (including patient records that the Department creates and maintains as part of a system of records), minutes, and reports that—

'(A) emanate from quality assurance program activities described in paragraph (2); and

'(B) are produced or compiled by the Department as part of a medical quality assurance program.

'(b) Confidentiality of Records.—A medical quality assurance record of the Department that is created as part of a medical quality assurance program—

'(1) is confidential and privileged; and

'(2) except as provided in subsection (d), may not be released by any entity.

'(c) Prohibition on Disclosure and Testimony.—Except as otherwise provided in this section—

'(1) no part of any medical quality assurance record of the Department may be subject to discovery or admitted into evidence in any judicial or administrative proceeding; and

'(2) an individual who reviews or creates a medical quality assurance record of the Department or who participates in any proceeding concerning an adverse action related to a medical quality assurance record of the Department may not be permitted or required to testify in any judicial or administrative proceeding with respect to the record or with respect to any finding, recommendation, evaluation, opinion, or action taken by that individual in connection with the record.

'(d) Authorized Disclosure and Testimony.—

'(1) In General.—Subject to paragraph (2), a medical quality assurance record of the Department may be disclosed, and a person de- scribed in subparagraph (A) may give testi- mony in connection with the record, only as follows:

'(A) To a Federal agency or private organization, if the medical quality assurance record of the Department or testimony is needed by the Federal agency or private organization—

'(i) perform licensing or accreditation functions related to Department health care facilities, a facility affiliated with the De- partment, or any other location authorized by the Secretary for the performance of health care services; or

'(ii) perform monitoring, required by law, of Department health care facilities, a facility affiliated with the Department, or any other location authorized by the Secretary for the performance of health care services.

'(B) To an administrative or judicial pro- ceeding concerning an adverse action related to the credentialing of or health care pro- vided by a present or former health care pro- vider by that individual—

'(C) To a governmental board or agency or to a professional health care society or organ- ization, if the medical quality assurance record of the Department or testimony is needed by the board, agency, society, or or- ganization to perform licensing, credentialing, or the monitoring of profes- sional standards with respect to any health care provider who is or was a health care provider for the Department.

'(D) To a hospital, medical center, or other institution that provides health care services, if the medical quality assurance record of the Department or testimony is needed by the institution to assess the professional qualifications of any health care provider who is or was a health care provider for the Department and who has applied for or been granted authority or employment to provide health care services in or on behalf of the institution.

'(E) To an employee, a detaillee, or a con- tractor of the Department who has a need for the medical quality assurance record of the Department or testimony to perform official duties or duties within the scope of their contract.

'(F) To a criminal or civil law enforce- ment agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified rep- resentative of the agency or instrumentality makes a written request that the medical quality assurance record of the Department or testimony be provided for a purpose au- thorized by law.

'(G) In an administrative or judicial pro- ceeding commenced by a criminal or civil law enforcement agency or instrumentality described in subparagraph (F), but only with respect to the subject of the proceeding.

'(2) Personally Identifiable Information.—

'(A) In General.—With the exception of the subject of a quality assurance action, personally identifiable information of any Federal law enforcement agency or agency of the Department or of any other person associated with the Department for purposes of a medical quality assurance program that is contained in a medical quality assurance record of the Department shall be deleted from that record before any disclosure of the record is made outside the Department.

'(B) Application.—The requirement under subparagraph (A) shall not apply to the release of information that is permissible under section 552a of title 5, United States Code (commonly known as the ‘Privacy Act of 1974’).

'(c) Disclosure for Certain Purposes.—

'(1) to authorize or require the with- holding from any person or entity de-identified aggregate statistical information re- garding the results of medical quality assurance programs, under de-identification standards developed by the Secretary in con- sultation with the Secretary of Health and Human Services, as such information is re- leased in a manner in accordance with all other applicable legal requirements; or

'(2) to authorize the withholding of any medical quality assurance record of the Department from a committee of either House of Congress, any joint committee of Congress, or the Comptroller General of the United States if the withholding is deemed necessary to carry out any matter within their respective jurisdictions.

'(d) Prohibition on Disclosure of Information, Record, or Testimony.—A person or entity having possession of or access to a medical quality assurance record of the Department or testimony described in this section may not disclose the contents of the record or testimony in any manner or for any purpose except as provided in this sec- tion.

'(e) Exemption From Freedom of Information Act.—A medical quality assurance record of the Department shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code (commonly known as the ‘Freedom of Information Act’).

'(f) Limitation on Civil Liability.—A per- son who participates in the review or crea- tion of, or provides information to a person or body that reviews or creates, a medical quality assurance record of the Department shall not be civilly liable under this section for participating in or for providing that information if the participation or provision of information was—

'(1) provided in good faith based on previ- ous professional standards at the time the medical quality assurance program activity took place; and

'(2) made in accordance with any other applicable legal requirements, including Federal privacy laws and regulations.

'(g) Application to Information in Certain Records. —If this section shall be construed as limiting access to the information in a record created and maintained outside a medical quality assur- ance program, including any record of a patient, on the grounds that the infor- mation was presented during meetings of a review body that are part of a medical qual- ity assurance program.

'(h) Penalty.—Any person who willfully discloses a medical quality assurance record
of the Department other than as provided in this section, knowing that the record is a medical quality assurance record of the Department shall be fined not more than $3,000 in the case of a first offense and not more than $20,000 in the case of a subsequent offense.

(k) RELATIONSHIP TO COAST GUARD.—The requirements of this section shall not apply to any medical quality assurance record of the Department that is created by or for the Coast Guard as part of a medical quality assurance program.

(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede the requirements of—

(1) the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 1339) and its implementing regulations;

(2) the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17931 et seq.) and its implementing regulations;

(3) sections 921 through 926 of the Public Health Service Act (42 U.S.C. 299b–21 through 299b–25) and their implementing regulations.

SEC. 5147. TECHNICAL AND CONFORMING AMENDMENTS.


(1) in the table of contents in section 1(b) (Public Law 107–296; 116 Stat. 2135)—

(A) by striking the items relating to sections 528 and 529 and inserting the following:

"Sec. 528. Transfer of equipment during a public health emergency.;"

(B) by striking the items relating to sections 710, 711, 712, and 713 and inserting the following:

"Sec. 710. Employee engagement.

Sec. 711. Annual employee award program.

Sec. 712. Acquisition professional career.

(C) by inserting after the item relating to section 1929 the following:

"Sec. 1929. Accountability.;"

(D) by striking the items relating to subtitle C of title XIX and sections 1931 and 1932; and

(E) by adding at the end the following:

"TITLE XXIII—OFFICE OF HEALTH SECURITY


Sec. 2302. Workforce health and safety.

Sec. 2303. Coordination of Department of Homeland Security efforts relating to food, agriculture, and veterinary defense against terrorism.

Sec. 2304. Medical countermeasures.

Sec. 2305. Confidentiality of medical quality assurance records.;"

(2) by redesignating section 529 (6 U.S.C. 321r) as section 528;

(3) in section 706(e)(4) (6 U.S.C. 341(e)(4)), by striking "section 711(a)" and inserting "section 710(a)";

(4) by redesignating sections 711, 712, and 713 as sections 710, 711, and 712, respectively;

(5) in subsection (d)(3) of section 223 (6 U.S.C. 592), as so redesignated by section 5142 of this Act—

(A) in the paragraph heading, by striking "HAWAIIAN NATIVE-SERVING" and inserting "NATIVE HAWAIIAN-SERVING"; and

(B) by striking "Hawaiian native-serving" and inserting "Native Hawaiian-serving"; and

(6) by striking the subtitle heading for subtitle F of title X.

Subtitle F—Satellite Cybersecurity Act

SEC. 5151. SHORT TITLE.

This subtitle may be cited as the "Satellite Cybersecurity Act".

SEC. 5152. DEFINITIONS.

In this subtitle—

(1) CLEARINGHOUSE.—The term "clearinghouse" means the commercial satellite system cybersecurity clearinghouse established under section 5154(b)(1).

(2) COMMERCIAL SATELLITE SYSTEM.—The term "commercial satellite system" means—

(A) a system that—

(i) is owned or operated by a non-Federal entity based in the United States; and

(ii) is composed of not less than 1 earth satellite; and

(B) includes—

(i) any ground support infrastructure for each satellite; and

(ii) any transmission link among and between any satellite in the system and any ground support infrastructure in the system.

(3) CRITICAL INFRASTRUCTURE.—The term "critical infrastructure" has the meaning given the term in subsection (e) of the Critical Infrastructure Protection Act of 2002 (42 U.S.C. 5195c(e)).

(4) CYBERSECURITY RISK.—The term "cybersecurity risk" has the meaning given the term in section 2200 of the Homeland Security Act of 2002, as added by section 5191 of this division.

(5) CYBERSECURITY THREAT.—The term "cybersecurity threat" has the meaning given the term in section 2200 of the Homeland Security Act of 2002, as added by section 5191 of this division.

SEC. 5153. REPORT ON COMMERCIAL SATELLITE CYBERSECURITY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the actions the Federal Government has taken to support the cybersecurity of commercial satellite systems, including as part of any action to address the cybersecurity of critical infrastructure sectors.

(b) REPORT.—Not more than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House of Representatives on the study conducted under subsection (a), which shall include information on—

(1) efforts of the Federal Government to—

(A) address or improve the cybersecurity of commercial satellite systems; and

(B) support related efforts with international counterparts;

(2) the resources made available to the public by Federal agencies to address cybersecurity threats and risks to commercial satellite systems, including resources made available through the clearinghouse;

(3) the extent to which commercial satellite systems and the cybersecurity threats to such systems addressed in Federal and non-Federal critical infrastructure risk analyses and protection plans;

(4) the extent to which Federal agencies are reliant on satellite systems owned wholly or in part or controlled by foreign entities, and how Federal agencies mitigate associated cybersecurity risks;

(5) the extent to which Federal agencies coordinate or duplicate authorities and take other actions focused on the cybersecurity of commercial satellite systems; and

(6) as determined appropriate by the Comptroller General of the United States, recommendations for further Federal action to support the cybersecurity of commercial satellite systems; and

(c) CONSULTATION.—In carrying out subsections (a) and (b), the Comptroller General of the United States shall coordinate with appropriate Federal agencies and organizations, including—

(1) the Department of Homeland Security;

(2) the Department of Commerce;

(3) the Department of Defense;

(4) the Department of Transportation;

(5) the Federal Communications Commission;

(6) the National Aeronautics and Space Administration;

(7) the National Executive Committee for Space-Based Positioning, Navigation, and Timing; and

(8) the National Space Council.

(d) BRIEFING.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall provide a briefing to the appropriate congressional committees on the study conducted under subsection (a).

(e) CLASSIFICATION.—The report made under subsection (b) shall be unclassified but may include a classified annex.

SEC. 5154. RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

(a) DEFINITIONS.—In this section—

(1) DIRECTOR.—The term "Director" means the Director of the Cybersecurity and Infrastructure Security Agency.

(2) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(3) ESTABLISHMENT OF COMMERCIAL SATELLITE SYSTEM CYBERSECURITY CLEARINGHOUSE.—

(1) IN GENERAL.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Director shall develop and maintain a commercial satellite system cybersecurity clearinghouse.

(2) REQUIREMENTS.—The clearinghouse—

(A) shall be publicly available online;

(B) shall contain publicly available commercial satellite system cybersecurity resources, including the voluntary recommendations consolidated under subsection (c)(1);

(C) shall contain appropriate materials for reference by entities that develop, operate, or maintain commercial satellite systems;

(D) shall contain materials specifically aimed at assisting small business concerns with the secure development, operation, and maintenance of commercial satellite systems; and

(E) may contain controlled unclassified information distributed to commercial entities through a process determined appropriate by the Director.

(3) CONTENT MAINTENANCE.—The Director shall maintain current and relevant cybersecurity information on the clearinghouse.

(4) EXISTING PLATFORM OR WEBSITE.—To the extent practicable, the Director shall establish and maintain the clearinghouse using an existing platform or website.

(5) CONSOLIDATION OF COMMERCIAL SATELLITE SYSTEM CYBERSECURITY RECOMMENDATIONS.—

(1) IN GENERAL.—The Director shall consolidate voluntary cybersecurity recommendations designed to assist in the development, maintenance, and operation of commercial satellite systems.

(2) REQUIREMENTS.—The recommendations consolidated under paragraph (1) shall include materials appropriate for a public resource addressing the following—

(A) Risk-based, cyber-informed engineering, including continuous monitoring and resiliency.
SEC. 5155. STRATEGY.

Not later than 120 days after the date of the enactment of this Act, the National Space Council, in coordination with the Director of the Office of Space Commerce and the heads of other relevant agencies, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science, Space, and Technology and the Committee on Homeland Security of the House of Representatives a strategy for the activities of Federal agencies to address and improve the cybersecurity of commercial satellite systems, which shall include an identification of—

(1) proposed roles and responsibilities for relevant agencies;

(2) the extent to which cybersecurity threats to such systems are addressed in Federal and non-Federal critical infrastructure risk analyses and protection plans.

SEC. 5156. RULES OF CONSTRUCTION.

Nothing in this subtitle shall be construed to—

(a) designate commercial satellite systems or other space assets as a critical infrastructure sector; or

(b) infringe upon or alter the authorities of the agencies described in section 5153(c).

Subtitle G—Pray Safe Act

SEC. 5161. SHORT TITLE.

This subtitle may be cited as the "Pray Safe Act".

SEC. 5162. DEFINITIONS.

In this subtitle—

(a) IN GENERAL.—Subtitle A of title XXII of this Act may be cited as the "Pray Safe Act". The contact information of the designated point of contact shall be made available on the website of the Clearinghouse.

(b) DETAILEES.—The Secretary may coordinate duties as required for the Clearinghouse.

(c) DESIGNATED POINT OF CONTACT.—There shall be not less than 1 employee assigned or detailed to the Clearinghouse who shall be the designated point of contact to provide information and assistance to faith-based organizations and houses of worship, including assistance relating to the grant program established under section 5165 of the Pray Safe Act. The contact information of the designated point of contact shall be made available on the website of the Clearinghouse.

(d) QUALIFICATION.—To the maximum extent possible, any personnel assigned or detailed to the Clearinghouse under this paragraph should be familiar with faith-based organizations and houses of worship and with physical and online security measures to identify and prevent safety and security risks.

SEC. 5163. FEDERAL CLEARINGHOUSE ON SAFETY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

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"SEC. 220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICE-
checklists, facility hardening, tabletop exercise resources, and other resilience measures;

"(B) involve comprehensive safety measures, in particular, preparedness and response, and recovery to improve the safety posture of faith-based organizations and houses of worship;

"(C) involve comprehensive safety measures, including preparedness, protection, mitigation, incident response, and recovery to improve the safety posture of faith-based organizations and houses of worship;

"(D) include any evidence or research relating to the effectiveness of the Clearinghouse that the best practices or recommendations under subparagraph (B) have been shown to have a significant effect on improving the safety and security of individuals in faith-based organizations and houses of worship, including—

"(i) findings and data from previous Federal, State, local, Tribal, territorial, private sector, and nongovernmental organization research centers relating to safety, security, and targeted violence at faith-based organizations and houses of worship;

"(ii) other supportive evidence or findings relied upon by the Clearinghouse in determining best practices and recommendations to improve the safety and security posture of a faith-based organization or house of worship upon implementation; and

"(E) include an overview of the available resources the Clearinghouse can provide for faith-based organizations and houses of worship.

"(3) ADDITIONAL INFORMATION.—The Clearinghouse shall maintain and make available a comprehensive index of all Federal grant programs for which faith-based organizations and houses of worship are eligible, which shall include the performance metrics for each grant management that the recipient will be required to provide.

"(4) PAST RECOMMENDATIONS.—To the greatest extent practicable, the Clearinghouse shall identify and present, as appropriate, best practices and recommendations issued by Federal, State, local, Tribal, territorial, and nongovernmental organizations relevant to the safety and security of faith-based organizations and houses of worship.

"(d) ASSISTANCE AND TRAINING.—The Secretary may produce and publish materials on the Clearinghouse to assist and train faith-based organizations, houses of worship, and law enforcement in the implementation of the best practices and recommendations.

"(e) CONTINUOUS IMPROVEMENT.—

"(1) IN GENERAL.—The Secretary shall—

"(A) collect for the purpose of continuous improvement of the Clearinghouse—

"(i) Clearinghouse data analytics; and

"(ii) user feedback on the implementation of resources, best practices, and recommendations identified by the Clearinghouse; and

"(B) in coordination with the Faith-Based Security Advisory Council of the Department, the Department of Justice, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and any other agency that the Secretary determinesappropriate—

"(i) assess and identify Clearinghouse best practices and recommendations for which there are no resources available through Federal Government programs for implementation;

"(ii) provide feedback on the implementation of best practices and recommendations of the Clearinghouse; and

"(iii) propose additional recommendations for best practices for inclusion in the Clearinghouse; and

"(C) not less frequently than annually, examine and update the Clearinghouse in accordance with—

"(i) the information collected under subparagraph (A); and

"(ii) the recommendations proposed under subparagraph (B).

"(2) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit to Congress, on an annual basis, a report on the updates made to the Clearinghouse during the preceding 1-year period under paragraph (1)(C), which shall include a description of any changes made to the Clearinghouse.

"(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2220), as amended, shall include the following:

"(Sec. 2220E. Federal Clearinghouse on Safety Best Practices for Faith-Based Organizations and Houses of Worship.)

SEC. 5164. NOTIFICATION OF CLEARMINGHOUSE.

The Secretary shall provide written notification of the establishment of the Clearinghouse, as required as described in section 2220E of the Homeland Security Act of 2002, as added by section 5165 of this subtitle, and section 5165 of this subtitle, to—

(1) every State homeland security advisor;

(2) every State department of homeland security;

(3) other Federal agencies with grant programs or initiatives that aid in the safety and security of faith-based organizations and houses of worship, as determined appropriate by the Secretary;

(4) every Federal Bureau of Investigation Joint Terrorism Task Force;

(5) every Homeland Security Fusion Center;

(6) every State or territorial Governor or other chief executive;

(7) the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate; and

(8) the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the House of Representatives.

SEC. 5165. GRANT PROGRAM OVERVIEW.

(a) DHS GRANTS AND RESOURCES.—The Secretary shall include a grants program overview on the website of the Clearinghouse that shall—

(1) be the primary location for all information regarding Department grant programs that are open to faith-based organizations and houses of worship;

(2) directly link to each grant application and any applicable user guides;

(3) identify all safety and security homeland security assistance programs managed by the Department that may be used to implement best practices and recommendations of the Clearinghouse; and

(4) annually, and concurrent with the application period for any grant identified under paragraph (1), provide information related to the requirements and terms of grant applications to aid smaller faith based organizations and houses of worship in earning access to Federal grants; and

(b) RESEARCH.—

"(1) makes grants to carry out the best practices and recommendations of the Clearinghouse;

"(2) makes grants to carry out the best practices and recommendations of the Clearinghouse; and

"(3) makes grants to carry out the best practices and recommendations of the Clearinghouse.

SEC. 5166. OTHER RESOURCES.

The Secretary shall, to the extent practicable, identify, for each State—

(A) each agency responsible for safety for faith-based organizations and houses of worship in the State, or any State that does not have such an agency designated;

(B) any grant program that may be used for the purposes of implementing best practices and recommendations of the Clearinghouse;

(C) any resources or programs, including community prevention or intervention efforts, that may be used to assist in targeted violence and terrorism prevention.

SEC. 5167. RULE OF CONSTRUCTION.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to create, modify, or require any requirement under Federal civil rights laws, including—

(1) title II of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131 et seq.); or

(2) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

SEC. 5168. EXEMPTION.

Chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act") shall not apply to any rulemaking or information collection required under this subtitle or under section 5163 of the Homeland Security Act of 2002, as added by section 5165 of this subtitle.

Subtitle H—Invent Here, Make Here for Homeland Security Act

SEC. 5171. SHOW HERE.

This subtitle may be cited as the "Invent Here, Make Here for Homeland Security Act".

SEC. 5172. PREFERENCE FOR UNITED STATES INDUSTRY.

Section 308 of the Homeland Security Act of 2002 (6 U.S.C. 186) is amended by adding at the end the following:

"(d) PREFERENCE FOR UNITED STATES INDUSTRY.—
SEC. 5181. SHORE BASED IMPROVEMENTS.

This subtitle may be cited as the "DHS Joint Task Forces Reauthorization Act of 2022".

SEC. 5182. SENSE OF THE SENATE.

It is the sense of the Senate that the Department of Homeland Security should consider using the authority under subsection (b) of the Homeland Security Act of 2002 (6 U.S.C. 348(b)) to create a Joint Task Force described in such subsection to improve coordination and response to the number of encounters and amount of seizures of illicit narcotics along the southwest border.


Section 708(b) of the Homeland Security Act of 2002 (6 U.S.C. 348(b)) is amended—

(1) by striking paragraph (8) and inserting the following:

''(8) JOINT TASK FORCE STAFF.—''(A) in general.—Each Joint Task Force shall have a staff, composed of officials from relevant components and offices of the Department, to assist the Director of that Joint Task Force in the mission and responsibilities of that Joint Task Force.

''(B) REPORT.—The Secretary shall include in the report submitted under paragraph (6)(F)—

''(i) the number of personnel permanently assigned to each Joint Task Force by each component and office;

''(ii) the number of personnel assigned on a temporary basis to each Joint Task Force by each component and office.''

(2) in paragraph (9)—

''(A) in general.—Subject to subparagraph (B), in individual cases, the requirement for an agreement described in paragraph (2) may be waived by the Secretary upon a showing that the products embodying the subject invention will be manufactured substantially in the United States.

''(B) in subparagraph (A), by striking ''strategic objectives'' and inserting ''strategic goals and objectives''.

''(C) in subparagraph (B), by striking paragraph (A) and inserting the following:

''(A) using leading practices in performance management and lessons learned by other law enforcement task forces, establish a strategy for each Joint Task Force that contains—

''(i) the mission of each Joint Task Force and strategic goals and objectives to assist the Joint Task Force in accomplishing that mission;

''(ii) outcome-based and other appropriate performance metrics to evaluate the effectiveness of each Joint Task Force and measure progress towards the goals and objectives described in clause (i), which include—

''(I) targets for current and future fiscal years;

''(II) a description of the methodology used to establish those metrics and any limitations with respect to data or information used to assess performance;'',

''(C) in subparagraph (B)—

''(i) by striking paragraph (C) and inserting the following:

''(C) beginning not later than 1 year after the date of enactment of the DHS Joint Task Forces Reauthorization Act of 2022, submit annually to each component specified in subparagraph (B) a report that—

''(i) contains the evaluation described in subparagraphs (A) and (B); and

''(ii) outlines the methodology in implementing outcome-based and other performance metrics referred to in subparagraph (A)(ii);

''(2) in paragraph (11)(A), by striking the period at the end and inserting the following:

''(i) the justification, focus, and mission of the Joint Task Force; and

''(ii) a strategy for the conduct of the Joint Task Force, including goals and performance metrics for the Joint Task Force.''

(5) in paragraph (13), by striking ''2022'' and inserting ''2023''.

Subtitle J—Other Provisions

CHAPTER 1—CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS

SEC. 5191. CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS.

(a) TECHNICAL AMENDMENT RELATING TO DOTGOV ACT OF 2020.

(1) AMENDMENT.—Section 909(b)(1) of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260) is amended, in the matter preceding subparagraph (A) by striking ''Homeland Security Act'' and inserting ''Homeland Security Act of 2002''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260).

(b) CONSOLIDATION OF TASK FORCES.

(1) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by inserting before the subtitle A heading the following:

''SEC. 2200. DEFINITIONS.''

Except as otherwise specifically provided, in this title:

''(1) AGENCY.—The term 'agency' means the Cybersecurity and Infrastructure Security Agency.

''(2) AGENCY INFORMATION.—The term 'agency information' means information collected or maintained by or on behalf of an agency.

''(3) AGENCY INFORMATION SYSTEM.—The term 'agency information system' means an information system used or operated by an agency or by another entity on behalf of an agency.

''(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committee on Homeland Security and the House of Representatives.

''(5) CRITICAL INFRASTRUCTURE INFORMATION.—The term 'critical infrastructure information' means information in the public domain and related to the security or protection of critical infrastructure systems.

''(6) CRITICAL INFRASTRUCTURE INFORMATION SYSTEM.—The term 'critical infrastructure information system' means an information system used or operated by the Federal Government, by an agency or by another entity on behalf of the Federal Government, by a state or local government, or by a political subdivision of a state or local government.

''(7) CRITICAL INFRASTRUCTURE ORGANIZATION.—The term 'critical infrastructure organization' means an organization that controls or operates a critical infrastructure system.

''(8) CRITICAL INFRASTRUCTURE ORGANIZATION INFORMATION.—The term 'critical infrastructure organization information' means information that is created, maintained, or used by a critical infrastructure organization.

''(9) CRITICAL INFRASTRUCTURE ORGANIZATION PERSONNEL.—The term 'critical infrastructure organization personnel' means employees, contractors, and subcontractors of a critical infrastructure organization.

''(10) CRITICAL INFRASTRUCTURE ORGANIZATION POLICY.—The term 'critical infrastructure organization policy' means a policy established by a critical infrastructure organization.

''(11) CROSS-REFERENCE.—The reference preceding subparagraph (A), by striking 'agency information' and inserting 'information customarily in the public domain and related to the security of critical infrastructure or protected systems—

''(A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or

''(B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or

''(C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair,
recovery, reconstruction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

(6) CYBER THREAT INDICATOR.—The term ‘cyber threat indicator’ means any information that is necessary to describe or identify—

(A) malicious reconnaissance, including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

(B) a method of defeating a security control or exploitation of a security vulnerability;

(C) security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

(D) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;

(E) malicious cyber command and control;

(F) the actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;

(G) the specific method by which a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or

(H) any combination thereof.

(7) CYBERSECURITY PURPOSE.—The term ‘cybersecurity purpose’ means the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability.

(8) CYBERSECURITY RISK.—The term ‘cybersecurity risk’ means threats to and vulnerabilities of information or information systems and any related consequences caused by or resulting from unauthorized access, use, disclosure, degradation, disruption, modification, or destruction of such information or information systems, including such related consequences caused by an act of terrorism; and

(B) does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

(9) CYBERSECURITY THREAT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘cybersecurity threat’ means an action, not protected by the First Amendment to the Constitution of the United States, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transiting an information system.

(B) EXCLUSION.—The term ‘cybersecurity threat’ does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

(10) DEFENSIVE MEASURE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘defensive measure’ means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability.

(B) EXCLUSION.—The term ‘defensive measure’ does not include a measure that destroys, renders unusable, provides unauthorized access to, or substantially harms an information system or information stored on, processed by, or transiting such information system not owned by—

(i) the entity owning the measure; or

(ii) another entity or Federal entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure.

(11) DIRECTOR.—The term ‘Director’ means the Director of the Agency.

(12) HOMELAND SECURITY ENTERPRISE.—The term ‘Homeland Security Enterprise’ means relevant governmental and non-governmental entities involved in homeland security, including Federal, State, local, and Tribal government officials, private sector representatives, academics, and other policy experts.

(13) INCIDENT.—The term ‘incident’ means an occurrence that actually or imminently jeopardizes, without lawful authority, an information system, so as to ensure the availability, integrity, and reliability of the system; and

(A) gathering and analyzing critical infrastructure information related to cybersecurity risks and incidents, in order to better understand security problems and issues related to critical infrastructure, including cybersecurity risks and incidents, and protected systems, so as to ensure the availability, integrity, and reliability of the system;

(B) communicating or disclosing critical infrastructure information, including cybersecurity risks and incidents, to help prevent, detect, mitigate, or recover from the effects of an interference, a compromise, or an incapacitation problem related to critical infrastructure, including cybersecurity risks and incidents, or protected systems; and

(C) voluntarily disseminating critical infrastructure information, including cybersecurity risks and incidents, to its members, State, local, and Federal Governments, or any other entities that may be of assistance in carrying out the purposes specified in subparagraphs (A) and (B).

(14) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term ‘Information Sharing and Analysis Organization’ means any formal or informal entity or collaboration created or employed by public or private sector organizations, for purposes of—

(A) gathering and analyzing critical infrastructure information, including cybersecurity risks and incidents, for the purpose of protecting critical infrastructure systems, so as to ensure the availability, integrity, and reliability of the system;

(B) communicating or disclosing critical infrastructure information, including cybersecurity risks and incidents, to help prevent, detect, mitigate, or recover from the effects of an interference, a compromise, or an incapacitation problem related to critical infrastructure, including cybersecurity risks and incidents, or protected systems; and

(C) providing guidance on how best to utilize Information Sharing and Analysis Organizations.

(15) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given in section 3502 of title 44, United States Code.

(16) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(17) MONITOR.—The term ‘monitor’ means—

(A) the person or entity that authorizes the use of a defensive measure or defensive capability, including the entity operating the defensive measure, or defensive capability, the entity providing guidance on how best to utilize Information Sharing and Analysis Organizations, and the entity providing any related cooperation or support to an Information Sharing and Analysis Organization;

(B) a method of detecting or mitigating a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or

(C) any combination thereof.

(18) NATIONAL SECURITY ADVISORY COMMITTEE.—The term ‘national security advisory committee’ means the advisory committee established under section 219(a).

(19) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given in section 11103 of title 40, United States Code.

(20) NATIONAL SECURITY THREAT.—The term ‘national security threat’ means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of information or information systems.

(21) NATIONAL SECURITY THREAT INDICATOR.—The term ‘national security threat indicator’ means any attribute of equipment, software, hardware, process, or procedure that could enable or facilitate the defeat of a security control.

(22) NATIONAL SECURITY THREAT RESPONSE ACTIVITIES.—The term ‘national security threat response activities’ means the activities, in order to better understand security problems and issues related to critical infrastructure, including cybersecurity risks and incidents, and protected systems, so as to ensure the availability, integrity, and reliability of the system; and

(A) gathering and analyzing critical infrastructure information, including cybersecurity risks and incidents, for the purpose of protecting critical infrastructure systems, so as to ensure the availability, integrity, and reliability of the system;

(B) communicating or disclosing critical infrastructure information, including cybersecurity risks and incidents, to help prevent, detect, mitigate, or recover from the effects of an interference, a compromise, or an incapacitation problem related to critical infrastructure, including cybersecurity risks and incidents, or protected systems; and

(C) voluntarily disseminating critical infrastructure information, including cybersecurity risks and incidents, to the members of the intelligence community, State, local, and Federal Governments, or any other entities that may be of assistance in carrying out the purposes specified in subparagraphs (A) and (B).

(23) SHARING.—The term ‘sharing’ (including all conjunctions thereof) means providing, receiving, and disseminating (including all conjunctions of each such terms).
(D) in section 2210 (6 U.S.C. 660)—
(i) by striking subsection (a);
(ii) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively;
(iii) in subsection (b), as so redesignated—
(I) by striking ‘‘information sharing and analysis organizations (as defined in section 2220(b)(3))’’ and inserting ‘‘Information Sharing and Analysis Organizations’’; and
(II) by striking ‘‘(as defined in section 2209)’’;
(v) in subsection (c), as so redesignated, by striking ‘‘(c)(2)’’ and inserting ‘‘subsection (c)’’; and 
(vi) in subsection (d), as so redesignated—
(A) in the matter preceding subparagraph (B), by striking ‘‘subsection (c)(2)’’ and inserting ‘‘subsection (a)’’; and
(B) by redesigning subsections (b) through (f) as subsections (a) through (e), respectively;
(vii) in subsection (e), as so redesignated, by striking ‘‘subsection (b)’’ and inserting ‘‘subsection (a)’’; and
(viii) in subsection (f), as so redesignated, by striking ‘‘subsection (c)’’ and inserting ‘‘subsection (a)’’; and
(ix) by redesigning subsections (g) through (j) as subsections (a) through (d), respectively;
(x) by redesigning subsections (k) and (l) as subsections (a) and (b), respectively; and
(xi) in paragraph (2), as so redesignated, by striking ‘‘(enacted as division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113; 133 U.S. 1591(9))’’ and inserting ‘‘(enacted as division N of the Consolidated Appropriations Act, 2017 (Public Law 115–123; 133 U.S. 1591(9))’’.
(L) in section 2222 (6 U.S.C. 671)—
(i) by striking paragraphs (3), (5), and (6); and
(ii) by redesigning paragraphs (4) as paragraph (5); and
(iii) by redesigning paragraphs (6) and (7) as paragraphs (4) and (5), respectively.
(M) Table of contents amendments.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—
(A) by inserting before the item relating to subtitle A of title XII the following:
‘‘Sec. 2200. Definitions.’’;
and
(B) by striking the item relating to section 2201 and inserting the following:
‘‘Sec. 2200. Definitions.’’.
(A) by striking paragraphs (4) through (7) and inserting the following:
‘‘(4) CYBERSECURITY PURPOSE.—The term ‘cybersecurity purpose’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.’’;
(B) in subsection (c)(3)(B), by striking ‘‘section 2201’’ and inserting ‘‘section 2200’’;
and
(C) in subsection (d), by striking ‘‘section 2215 of the Homeland Security Act of 2002, as added by this section’’ and inserting ‘‘section 2216 of the Homeland Security Act of 2002 (6 U.S.C. 6654)’’.
(O) National security act of 1947.—Section 113(b)(4) of the National Security Act of 1947 (50 U.S.C. 1521 note) is amended—
(A) by redesignating paragraph (4) as paragraph (5); and
(B) by striking the matter preceding paragraph (4) and inserting the following:
‘‘(4) CYBER THREAT INDICATOR.—The term ‘cyber threat indicator’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.’’;
(P) Defensive measure.—The term ‘‘defensive measure’’ means the use of a defensive measure for defensive purposes; and
(Q) Security vulnerability.—The term ‘‘security vulnerability’’ has the meaning given the term ‘‘security vulnerability’’ in section 2200 of the Homeland Security Act of 2002.
(R) Additional technical and conforming amendments.—
(A) in section 2222 (6 U.S.C. 671)—
(i) in paragraph (2), by striking ‘‘section 2210’’ and inserting ‘‘section 2200’’; and
(ii) in paragraph (4), by striking ‘‘section 2209’’ and inserting ‘‘section 2200’’;
and
(B) in section 2223 (6 U.S.C. 671 note), by striking ‘‘section 2213(b)(1)’’ each place it appears and inserting ‘‘section 2213(a)(1)’’;
and
(C) in section 2226 (6 U.S.C. 1501)—
(i) in subsection (a)—
(I) in paragraph (1), by striking ‘‘section 2213’’ and inserting ‘‘section 2200’’;
(II) in paragraph (2), by striking ‘‘section 102’’ and inserting ‘‘section 2200 of the Homeland Security Act of 2002’’;
and
(III) in paragraph (4), by striking ‘‘section 2201(3)’’ and inserting ‘‘section 2201(1)’’;
and
(II) by redesigning subsections (b) through (d) as subsections (a) through (c), respectively.
(S) In section 2207 (6 U.S.C. 671)—
(i) by redesigning (a) as (b); and
(ii) by redesigning paragraph (1) as paragraph (2), respectively;
and
(j) in paragraph (2), by striking ‘‘section 2210’’ and inserting ‘‘section 2200’’; and
(k) in paragraph (4), by striking ‘‘section 2209’’ and inserting ‘‘section 2200’’.
(T) In section 2208 (6 U.S.C. 1501 note)—
(i) in paragraph (1), by striking ‘‘section 2213’’ and inserting ‘‘section 2200’’;
(ii) in paragraph (2), by striking ‘‘section 2200’’ and inserting ‘‘section 2200 of the Homeland Security Act of 2002’’;
and
(iii) in paragraph (4), by striking ‘‘section 2201(3)’’ and inserting ‘‘section 2201(1)’’;
and
(II) by striking ‘‘section 2213(c)(5)’’ and inserting ‘‘section 2213(b)(5)’’;
and
(D) in section 2277 (6 U.S.C. 1525(b)), by striking ‘‘section 2213(c)(2)’’ and inserting ‘‘section 2213(c)(1)’’.
(A) in subsection (a)—
(i) by striking paragraph (5); and
(ii) by redesigning paragraphs (6) and (7) as paragraphs (5) and (6), respectively;
and
(iii) by amending paragraph (7) to read as follows:—
‘‘(7) SECTOR RISK MANAGEMENT.— The term ‘Sector Risk Management Agency’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.’’;
and
(B) in subsection (c)(3)(B), by striking ‘‘section 2201’’ and inserting ‘‘section 2200’’; and
(C) in subsection (d), by striking ‘‘section 2215 of the Homeland Security Act of 2002, as added by this section’’ and inserting ‘‘section 2216 of the Homeland Security Act of 2002 (6 U.S.C. 6654)’’.
(W) Iot cybersecurity improvement act of 2020.—Section 5(b)(3) of the IoT Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3(c)) is amended—
(A) by redesignating paragraph (4) as paragraph (5); and
(B) by redesigning paragraph (5) as paragraph (4), respectively.
(Y) Additional technical and conforming amendments.—
(1) National security act of 1947.—The term ‘‘intelligence community’’ means the term ‘‘intelligence community’’ as defined under the National Security Act of 1947 (50 U.S.C. 1542 note) as amended by the Intelligence Reform and Terrorism Prevention Act of 2004 (70 Stat. 3137; 50 U.S.C. 408); and
(b) Congressional leadership defined.—In this section, the term ‘‘congressional leadership’’ means—
(1) the Majority and Minority Leader of the Senate with respect to an agreement
with the Sergeant at Arms and Doorkeeper of the Senate or the Secretary of the Senate; and
(2) the Speaker and Minority Leader of the House of Representatives; and

(c) REQUIREMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President shall enter into 1 or more information sharing agreements with respect to counterintelligence information sharing, in consultation with congressional leadership.
(2) WITH RESPECT TO.—The agreements required under subsection (a) shall be entered into with the Congressional Oversight and Reform Committee and the Committee on the Judiciary of the Senate, and at least quarterly thereafter, the appropriate committees of the Congress.

(d) ELEMENTS.—The parties to an information sharing agreement under subsection (c) shall—

(1) direct and timely sharing of technical indicators and contextual information on cyber threats and vulnerabilities, and the means for sharing such information;
(2) consider sharing of classified and unclassified reports on cyber threats and activities and targeting of Members, the House of Representatives, or congressional committees, with the protection of sources and methods;
(3) seat cybersecurity personnel of the Office of the Sergeant at Arms and Doorkeeper of the Senate or the Office of the Chief Administrative Officer of the House of Representatives at cybersecurity operations centers; and
(4) agree on other elements of the agreement as appropriate.

(2) WITH RESPECT TO.—The agreement entered into pursuant to subsection (c) shall—

(A) provide for the sharing of artificial intelligence information in a manner that is consistent with the participation of the Chief Procurement Officer of the Department in an oversight board established by Executive Order 13960 (85 Fed. Reg. 78939; relating to responsible development and fielding of artificial intelligence); and

(B) provide for the sharing of information with respect to the annual letters sent by the Comptroller General of the United States and the National Academy of Sciences to the Senate and the House of Representatives with respect to an unimplemented priority recommendation, if applicable.

(3) MAKE PUBLICLY AVAILABLE.—The agreement entered into pursuant to subsection (c) shall provide for the public availability of such information.

(4) BRIEFING TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the President shall brief the Committee on Oversight and Reform and the Committee on the Judiciary of the Senate on the implementation of the agreement entered into pursuant to subsection (c).

(5) DEPARTMENT.—The term ‘‘Department’’ means the Department of Homeland Security; and

(6) DIRECTOR.—The term ‘‘Director’’ means the Director of the Office of Management and Budget.

SEC. 5224. PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL INTELLIGENCE IN GOVERNMENT.

(a) GUIDANCE.—The Director shall, when developing the guidance required under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116– 260), consider—

(1) the considerations and recommended practices identified by the National Security Commission on Artificial Intelligence in its report entitled ‘‘Key Considerations for the Responsible Development and Fielding of AI’’, as updated in April 2021;
(2) the principles articulated in Executive Order 13960 (85 Fed. Reg. 78939; relating to promoting the use of trustworthy artificial intelligence in Government); and
(3) the input of—

(A) the Privacy and Civil Liberties Oversight Board;
(B) relevant interagency councils, such as the Federal Privacy Council, the Chief Information Security Officer Council, and the Chief Data Officers Council;
(C) other governmental and nongovernmental privacy, civil rights, and civil liberties experts; and
(D) any other individual or entity the Director determines to be appropriate.

(b) DEPARTMENT POLICIES AND PROCESSES FOR PROCUREMENT AND USE OF ARTIFICIAL INTELLIGENCE-ENABLED SYSTEMS.—Not later than 180 days after the date of enactment of this Act, the Department shall—

(1) provide guidance to agencies on the use of artificial intelligence-enabled systems; and
(2) ensure that the guidance is consistent with laws and regulations.

(c) OVERSIGHT.—The Department shall report to Congress on any actions the Department takes in response to the guidance required under subsection (b).
(B) guard against bias in the selection and conduct of audits and investigations.

(d) ARTIFICIAL INTELLIGENCE HYGIENE AND PROTECTION OF GOVERNMENT INFORMATION. —

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with a working group consisting of members selected by the Director from appropriate interagency councils, shall develop an initial means by which to—

(A) ensure that contracts for the acquisition of an artificial intelligence system or services—

(i) align with the guidance issued to the head of each agency under section 10(a) of the AI in Government Act of 2020 (title I of division B of Pub. L. 116–299);

(ii) address protection of privacy, civil rights, and civil liberties;

(iii) address the ownership and security of data and other information created, used, processed, stored, maintained, disseminated, disclosed, or disposed of by a contractor or subcontractor on behalf of the Federal Government; and

(iv) include considerations for securing the training data, algorithms, and other components with applicable law and policy, against misuse, unauthorized alteration, degradation, or rendering inoperable; and

(B) address any other issue or concern determined to be appropriate by the Director to ensure appropriate use and protection of privacy and Government data and other information.

(2) CONSULTATION.—In developing the considerations under paragraph (1)(A)(iv), the Director shall consult with the Secretary of Homeland Security, the Secretary of Energy, the Director of the National Institute of Standards and Technology, and the Director of National Intelligence.

(3) REVIEW.—The Director—

(A) should continually update the means developed under paragraph (1); and

(B) not later than 2 years after the date of enactment of this Act and not less frequently than every 2 years thereafter, shall update the means developed under paragraph (1).

(4) BRIEFING.—The Director shall brief the appropriate congressional committees—

(A) not later than 90 days after the date of enactment of this Act and thereafter on a quarterly basis until the Director first implements the means developed under paragraph (1); and

(B) annually thereafter on the implementation of this subsection.

(5) SUNSET.—This subsection shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 5225. AGENCY INVENTORIES AND ARTIFICIAL INTELLIGENCE USE CASES.

(a) INVENTORY.—Not later than 60 days after the date of enactment of this Act, and continuously thereafter for a period of 5 years, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall require the head of each agency to—

(1) prepare and maintain an inventory of the artificial intelligence use cases of the agency, including current and planned uses;

(2) share agency inventories with other agencies, to the extent practicable and consistent with applicable law and policy, including those concerning protection of privacy and of sensitive law enforcement, national security, and other protected information;

(3) make agency inventories available to the public, in a manner determined by the Director, and to the extent practicable and in accordance with applicable law and policy, including those concerning the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) CENTRAL INVENTORY.—The Director is encouraged to designate a host entity and ensure the creation and maintenance of an online public directory to—

(1) make agency artificial intelligence use case information available to the public and

(2) identify common use cases across agencies.

(c) SHARING.—The sharing of agency inventories described in subsection (a)(2) may be coordinated through the Chief Information Officers Council, the Chief Data Officers Council, the Chief Financial Officers Council, the Chief Acquisition Officers Council, or other interagency bodies to improve interagency coordination and information sharing for common use cases.

(d) DEPARTMENT OF DEFENSE.—Nothing in this section shall apply to the Department of Defense.

SEC. 5226. RAPID PILOT, DEPLOYMENT AND SCALE OF APPLIED ARTIFICIAL INTELLIGENCE CAPABILITIES TO DEMONSTRATE MODERNIZATION ACTIVITIES RELATED TO USE CASES.

(a) IDENTIFICATION OF USE CASES.—Not later than 2 years after the date of enactment of this Act, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall identify 4 new use cases for the application of artificial intelligence-enabled systems to support interagency modernization initiatives that require linking multiple siloed internal and external data sources, consistent with applicable laws and policies, including those relating to the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) PILOT PROGRAM.—

(1) PURPOSES.—The purposes of the pilot program under this subsection include—

(A) to enable agencies to operate across organizational boundaries, coordinating between existing established programs and silos to improve delivery of the agency mission; and

(B) to demonstrate the circumstances under which artificial intelligence can be used to modernize or assist in modernizing legacy agency systems.

(2) DEPLOYMENT AND PILOT.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall establish an artificial intelligence capability in each of the 4 use case pilots under this subsection that—

(A) solves data access and usability issues with automated technology and eliminates or minimizes the need for manual data cleansing and harmonization efforts;

(B) continuously and automatically ingests data and updates domain models in near real-time to help identify new patterns and predict trends, to the extent possible, to help agency personnel to make better decisions and take faster actions;

(C) organizes data for meaningful data visualization and analysis so the Government has predictive transparency for situational awareness to improve outcomes;

(D) is rapidly configurable to support multiple applications and automatically adapts to dynamic conditions and evolving use case requirements, to the extent possible;

(E) enables knowledge transfer and collaboration across agencies; and

(F) preserves intellectual property rights to the data and output for benefit of the Federal Government and agencies.

(c) BRIEFING.—Not earlier than 270 days but not later than 1 year after the date of enactment of this Act, and annually thereafter for 4 years, the Director shall brief the appropriate congressional committees on the activities carried out under this section and results of those activities.

(d) SUNSET.—The section shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 5227. ENABLING ENTREPRENEURS AND AGENCY MINDS.

(a) INNOVATIVE COMMERCIAL ITEMS.—Section 880 of the National Defense Authorization Act for Fiscal Year 2017 (41 U.S.C. 3301 note) is amended—

(1) in subsection (c), by striking $10,000,000 and inserting $25,000,000;
SEC. 5223. STRATEGIC GUIDANCE.
(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Director, shall update the strategic plan required under section (a) as the Administrator and Director may determine necessary based on new information relating to the electric vehicle batteries that becomes available.
(b) CONTENTS.—The strategic plan required under subsection (a) shall:
(1) maximize cost and environmental efficiencies; and
(2) incorporate—
(A) guidelines for optimal charging practices that will maximize battery longevity and prevent premature battery degradation;
(B) guidelines for reusing and recycling the batteries of retired vehicles;
(C) guidelines for disposing electric vehicle batteries that cannot be reused or recycled; and
(D) any other considerations determined appropriate by the Administrator and Director.

SEC. 5224. STUDY OF FEDERAL FLEET VEHICLES.
Not later than 2 years after the date of enactment of this Act, the Administrator and the Director shall brief the congressional leadership and the Inspector General on how the costs and benefits of operating and maintaining electric vehicles in the Federal fleet compare to the costs and benefits of operating and maintaining internal combustion engine vehicles.

SEC. 5224A. ESTABLISHMENT OF ORGANIZATIONAL REPORTS.
(a) REQUIREMENT TO ESTABLISH ORGANIZATIONAL REPORTS.—
(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall establish an online portal accessible by the public that allows the public to obtain electronic copies of congressionally mandated reports in one place.

(b) CONTENT AND FUNCTION.—The Director shall ensure that the reports online portal includes the following:
(1) Subject to subsection (c), with respect to each congressionally mandated report, each of the following:
(A) A citation to the statute requiring the report.
(B) An electronic copy of the report, including any transmitted letter associated with the report, that—
(i) is based on an underlying open data standard that is maintained by a standards organization;
(ii) allows the full text of the report to be searchable; and

SEC. 5225. STRATEGIC GUIDANCE.
(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Director, shall (B) any new application of an existing technology, process, or method; or
(2) AGENCY.—The term ‘agency’ has the meaning given the term in section 551 of title 5, United States Code.

(b) DHS OTHER TRANSACTION AUTHORITY.—Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 301) is amended—
(1) in subsection (a)—
(A) in the matter preceding paragraph (1), by striking ‘‘September 30, 2017’’ and inserting ‘‘September 30, 2024’’; and
(B) by amending paragraph (2) to read as follows:
(2) PROTOTYPE PROJECTS.—The Secretary—
(A) may, under the authority of paragraph (1), carry out prototype projects under section 4022(e) of title 10, United States Code;
(B) in applying the authorities of such section 4022, the Secretary shall perform the functions of the Secretary of Defense as prescribed in such section;
(2) COMMERCIAL OFF THE SHELF SUPPLY CHAIN RISK MANAGEMENT TOOLS.—The General Services Administration is encouraged to pilot commercial off the shelf supply chain risk management tools to improve the ability of the Federal Government to characterize, monitor, predict, and respond to specific supply chain threats and vulnerabilities that could inhibit future Federal acquisition operations.

Nothing in this subtitle shall apply to any element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

Subtitle D—Strategic EV Management
SEC. 5231. SHORT TITLE.
This subtitle may be cited as the ‘‘Strategic EV Management Act of 2022’’.

SEC. 5232. DEFINITIONS.
In this subtitle:
(1) ADMINISTRATOR.—The term ‘‘Administrator’’ means the Administrator of General Services.
(2) AGENCY.—The term ‘‘agency’’ has the meaning given in the term in section 551 of title 5, United States Code.
SEC. 5231. SHORT TITLE.
This subtitle may be cited as the ‘‘Strategic EV Management Act of 2022’’.

SEC. 5234. STUDY OF FEDERAL FLEET VEHICLES.
Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report that describes the strategic plan required under subsection (a).

(2) EXISTING FUNCTIONALITY.—To the extent possible, the Director shall meet the requirements under paragraph (1) by using existing online portals and functionality under the authority of the Director in consultation with the Director of National Intelligence.

(3) INSPECTORS GENERAL.—The term ‘‘congressionally mandated report’’ does not include a report that is required to be submitted to one or more of the following committees:
(1) The Select Committee on Intelligence, the Committee on Armed Services, the Committee on Appropriations, or the Committee on Foreign Relations of the Senate;
(2) The Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Appropriations, or the Committee on Foreign Affairs of the House of Representatives.

(c) MODIFICATION.—The Administrator, the Director, and the Inspector General may modify the strategic plan required under subsection (a) as the Administrator, the Director, and the Inspector General may determine necessary based on new information relating to the electric vehicle batteries that becomes available.

(b) CONTENTS.—The strategic plan required under subsection (a) shall:
(1) A PPROPRIATE CONGRESSIONAL COMMIT TEES.—The term ‘‘appropriate congressional committees’’ means—
(A) the Committee on Homeland Security and Governmental Affairs of the Senate;
(B) the Committee on Oversight and Reform of the House of Representatives;
(C) the Committee on Environment and Public Works of the Senate; and
(D) the Committee on Energy and Commerce of the House of Representatives.

(2) DIRECTOR.—The term ‘‘Director’’ means the Director of the Office of Management and Budget.
(iii) is not encumbered by any restrictions that would impede the reuse or searchability of the report.
(C) The ability to retrieve a report, to the extent practicable, through searches based on each, and any combination, of the following:
(1) The title of the report.
(2) Reports reporting Federal agency.
(3) The date of publication.
(iv) Each congressional committee or subcommittee receiving the report, if applicable.
(v) The statute requiring the report.
(vi) Subject tags.
(vii) A unique alphanumeric identifier for the report that is consistent across report editions.
(viii) The serial number, Superintendent of Documents number, or other identification number for the report, if applicable.
(ix) Key words.
(x) Full text search.
(x) Any other relevant information specified by the Director.
(D) The date on which the report was required to be submitted, and on which the report was submitted, to the reports online portal.
(E) To the extent practicable, a permanent means of accessing the report electronically.
(2) A means for bulk download of all congressionally mandated reports.
(3) A means for downloading individual reports as the result of a search.
(4) Accessors to the reports online portal for the head of each Federal agency to submit to the reports online portal each congressionally mandated report of the agency, as required by sections 5243 and 5244.
(5) In tabular form, a list of all congressionally mandated reports that can be searched, sorted, and downloaded by:
(A) reports submitted within the required time;
(B) reports submitted after the date on which such reports were required to be submitted; and
(C) to the extent practicable, reports not submitted.
(c) NONCOMPLIANCE BY FEDERAL AGENCIES.—
(1) REPORTS NOT SUBMITTED.—If a Federal agency does not submit a congressionally mandated report to the Director, the Director shall to the extent practicable—
(A) include on the reports online portal—
(i) the information required under clauses (1), (ii), (iv), and (v) of subsection (b)(1)(C); and
(ii) the date on which the report was required to be submitted; and
(B) include the congressionally mandated report on the list described in subsection (b)(5)(C).
(2) REPORTS NOT IN OPEN FORMAT.—If a Federal agency submits a congressionally mandated report that does not meet the criteria described in subsection (b)(1)(B), the Director shall still include the congressionally mandated report on the reports online portal.
(d) DEADLINE.—The Director shall ensure that information required to be published on the reports online portal under this subtitle with respect to a congressionally mandated report or information required under subsection (c) of this section is published—
(1) not later than 30 days after the information is received from the Federal agency involved; or
(2) in the case of information required under subsection (c), not later than 30 days after the deadline under this subtitle for the Federal agency involved to submit information to the congressionally mandated report involved.
(e) EXCEPTION FOR CERTAIN REPORTS.—
(1) EXCEPTION DESCRIBED.—A congressionally mandated report which is required by statute to be submitted to a committee of Congress or a subcommittee thereof, including any report associated with the report, shall not be submitted to or published on the reports online portal if the chair of a committee or subcommittee to which the report was referred in writing by the Director in that the report is to be withheld from submission and publication under this subtitle.
(2) A Notice of Withholding.—If a report is withheld from submission or publication on the reports online portal under paragraph (1), the Director shall post on the portal—
(A) a statement that the report is withheld at the request of a committee or subcommittee involved; and
(B) the written notification provided by the chair of the committee or subcommittee specified in paragraph (1).
(f) FEE ACCESS.—The Director may not charge a fee, require registration, or impose any other limitation in exchange for access to the reports online portal.
(g) UPGRADE CAPABILITY.—The reports online portal shall be enhanced and updated as necessary to carry out the purposes of this subtitle.
(h) SUBMISSION TO CONGRESS.—The submission of a congressionally mandated report to the reports online portal pursuant to this subtitle shall not be construed to satisfy any requirement to submit the congressionally mandated report to Congress, or a committee or subcommittee thereof.
SEC. 5244. FEDERAL AGENCY RESPONSIBILITIES.
(a) SUBMISSION OF ELECTRONIC COPIES OF REPORTS.—Not earlier than 30 days or later than 60 days after the date on which a congressionally mandated report is submitted to the Director for publication on the reports online portal, any other requirement to publish the congressionally mandated report shall submit to the Director the information required under subparagraphs (A) through (D) of section 5243(b)(1) with respect to the congressionally mandated report. Notwithstanding section 5246, nothing in this subtitle shall relieve a Federal agency of any other requirement to publish the congressionally mandated report on the reports online portal.
(b) MAY REMOVE FROM PORTAL.—The Director may remove a report from the reports online portal that is received from anyone other than the head of the Federal agency involved to submit information to the congressionally mandated report involved.
(c) POINT OF CONTACT.—The head of each Federal agency shall designate a point of contact for congressionally mandated reports.
(d) REQUIREMENT FOR SUBMISSION.—The Director shall not publish any report through the reports online portal that is received from anyone other than the head of the applicable Federal agency, or an officer or employee of the Federal agency specifically designated by the head of the Federal agency.
SEC. 5245. CHANGING OR REMOVING REPORTS.
(a) CHANGING REPORTS.—The Director, upon the authority to change or remove reports. Except as provided in subsection (b), the head of the Federal agency concerned may change or remove a congressionally mandated report submitted to be published on the reports online portal only if—
(1) the head of the Federal agency consults with each committee of Congress or subcommittee thereof to which the report is required to be submitted or, in the case of a report required to be submitted to a particular committee of Congress or subcommittee thereof, to each committee with jurisdiction over the agency, as determined by the head of the agency in consultation with the Speaker of the House of Representatives and the President pro tempore of the Senate prior to changing or removing the report; and
(2) the joint resolution is enacted to authorize the change or removal of the report.
(b) EXCEPTIONS.—Notwithstanding subsection (a), the head of the Federal agency concerned—
(1) may make technical changes to a report submitted or published on the reports online portal;
(2) may remove a report from the reports online portal if the report was submitted to or published on the reports online portal in error;
(3) may withhold information, records, or reports from publication on the reports online portal in accordance with section 5266.
SEC. 5246. WITHHOLDING OF INFORMATION.
(a) IN GENERAL.—Nothing in this subtitle shall be construed to—
(1) require the disclosure of information, records, or reports that are exempt from public disclosure under section 525 of title 5, United States Code, or that are required to be withheld under section 525a of title 5, United States Code;
(2) impose any affirmative duty on the Director to review congressionally mandated reports submitted for publication to the reports online portal for the purpose of identifying and redacting such information or records.
(b) WITHHOLDING OF INFORMATION.—
(1) IN GENERAL.—Consistent with subsection (a)(1), the head of a Federal agency may withhold from the Director, and from publication on the reports online portal, any information, records, or reports that are exempt from public disclosure under section 525 of title 5, United States Code, or that are required to be withheld under section 525a of title 5, United States Code.
(2) NATIONAL SECURITY.—Nothing in this subtitle shall be construed to require the publication, on the reports online portal or otherwise, of any report or information that is classified, the public release of which could have a harmful effect on national security, or that is otherwise prohibited.
(c) LAW ENFORCEMENT SENSITIVE.—Nothing in this subtitle shall be construed to require the publication on the reports online portal or otherwise, of any report or information that is law enforcement sensitive;
(d) SECURITY POLICIES.—Nothing in this subtitle shall be construed to apply with respect to any congressionally mandated report which—
(1) reports submitted to Congress;
(2) in the case of information required to be published on the reports online portal under this subtitle, may remove or publish on the reports online portal under this subtitle;
public of Korea, the Russian Federation, the Islamic Republic of Iran, and any other country that the Secretary of State determines to be a country of concern.

(c) 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, shall establish the United States–Israel Artificial Intelligence Center (referred to in this section as the “Center”) in the United States.

(d) PURPOSE.—The purpose of the Center shall be to leverage the experience, knowledge, and expertise of institutions of higher education and non-profit entities in the United States and the State of Israel (referred to in this section as “Israel”) to develop more robust research and development cooperation in the area of—

(1) machine learning;
(2) image classification;
(3) object detection;
(4) speech recognition;
(5) natural language processing;
(6) data labeling;
(7) computer vision; and
(8) model explainability and interpretability.

(e) ARTIFICIAL INTELLIGENCE PRINCIPLES.—In carrying out the purpose described in subsection (d), the Center shall adhere to the principles for the use of artificial intelligence in the Federal Government set forth in section 3 of Executive Order 13989 (85 Fed. Reg. 78939).

(f) INTERNATIONAL PARTNERSHIPS.—(1) IN GENERAL.—The Secretary of State and the heads of other relevant Federal agencies, subject to the availability of appropriations, may enter into agreements supporting and enhancing dialogue and planning involving international partnerships between the Department of State and such agencies and the Government of Israel and its ministries, offices, and institutions.

(2) FEDERAL SHARE.—Not more than 50 percent of the costs of implementing the agreements entered into pursuant to paragraph (1) may be paid by the United States Government.

(g) LIMITATIONS.—The Center is prohibited from receiving any investment from or contracting with—

(1) any individual or entity with ties to any entity affiliated (officially or unofficially) with the Chinese Communist Party, the People’s Liberation Army, or the government of a foreign country of concern; or
(2) any entity owned, controlled by, or affiliated with the Chinese Communist Party or the People’s Republic of China, or in which the government of a foreign country of concern has an ownership interest; or
(3) any entity on the Entity List that is maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 744 of title 15, Code of Federal Regulations.

(h) COVERAGE.—Not later than 180 days after the date of the enactment of this Act, and not later than each December 31 thereafter, Director of National Intelligence, in collaboration with the Director of the National Counterintelligence and Security Center and the Director of the Federal Bureau of Investigation, shall—

(1) assess—

(A) whether the Center or its participant institutions pose a counterintelligence threat to the United States;
(B) what specific measures the Center has implemented to ensure that intellectual property developed with the assistance of the Center has sufficient protections in place to prevent misuse of United States intellectual property, research and development, and innovation efforts; and
(C) other threats from a foreign country of concern and other entities; and
(2) submit a report to Congress containing the results of the assessment described in paragraph (1).

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Center $10,000,000 for each of the fiscal years 2023 through 2027 to carry out this section.

SA 6468. Mr. REED (for Ms. CANTWELL (for herself and Mr. WICKER)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—OCEANS AND ATMOSPHERE

SEC. 5001. TABLE OF CONTENTS.

The table of contents for this division is as follows:

- Sec. 5001. Table of contents.
- TITLE LI—CORAL REEF CONSERVATION
- Sec. 5161. Short title.
- Subtitle B—United States Coral Reef Task Force
  - Sec. 5121. Establishment.
  - Sec. 5122. Duties.
  - Sec. 5123. Membership.
  - Sec. 5124. Responsibilities of Federal agency members.
  - Sec. 5125. Working groups.
  - Sec. 5126. Definitions.
  - Sec. 5127. Short title.
  - Sec. 5128. Performance measures.
- Title VII—Regional Ocean Partnerships
  - Sec. 5301. Short title.
  - Sec. 5302. Purpose.
  - Sec. 5303. Sense of Congress.
  - Sec. 5304. Definitions.
  - Sec. 5305. Workforce study.
  - Sec. 5306. Accelerating innovation at Cooperative Institutes.
  - Sec. 5307. Blue Economy valuation.
  - Sec. 5308. No additional funds authorized.
  - Sec. 5309. No additional funds authorized.
- TITLE LII—NATIONAL OCEAN EXPLORATION
  - Sec. 5401. Short title.
Sec. 5401. Short title.

Sec. 5402. Modifications to National Oceanographic and Atmospheric Administration.

Sec. 5403. Definitions.


Sec. 5405. Requirements for national ocean mapping.

Sec. 5406. Plan for national ocean mapping.

Sec. 5407. Repeal.

Sec. 5408. Authorization of appropriations.

TITLE LV—CORAL REEF CONSERVATION

Sec. 5101. Short title.

Sec. 5102. Authorization of appropriations.


SEC. 5111. REAUTHORIZATION OF CORAL REEF CONSERVATION ACT OF 2000.

(a) IN GENERAL.—The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended—

(1) by redesignating sections 209 and 210 as sections 217 and 218, respectively; and

(2) by striking sections 202 through 206 and inserting the following:

"SEC. 202. PURPOSES.

"The purposes of this title are—

"(1) to conserve and restore the condition of United States coral reef ecosystems challenged by natural and human-accelerated changes, including increasing ocean temperatures, ocean acidification, coral bleaching, coral diseases, water quality degradation, invasive species, and illegal, unreported, and unregulated fishing;

"(2) to promote the science-based management and sustainable use of coral reef ecosystems to benefit local communities and the Nation, including through improved integration and coordination of Federal, State, and non-Federal stakeholders with coral reef ecosystems;

"(3) to develop scientific information on the condition of coral reef ecosystems, continuing and emerging threats to such ecosystems, and the efficacy of innovative tools, technologies, and strategies to mitigate stressors on such ecosystems, including evaluation criteria to determine the effectiveness of management interventions, and accurate mapping for coral reef restoration;

"(4) to assist in the preservation of coral reefs by supporting science-based, consensus-driven, and community-based coral reef management by covered States and covered Native entities, including monitoring, conservation, and restoration projects that empower local communities, small businesses, and nongovernmental organizations;

"(5) to provide financial resources, technical assistance, and scientific expertise to supplement, complement, and strengthen community-based management projects and conservation and restoration projects of non-Federal reefs;

"(6) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation and restoration projects;

"(7) to support the rapid and effective, science-based assessment and response to exogenous circumstances that pose immediate and long-term threats to coral reefs, such as coral disease, invasive or nuisance species, coral bleaching, natural disasters, and industrial or mechanical disasters, such as vessel groundings, hazardous spills, or coastal construction accidents; and

"(8) to serve as a model for advancing similar international efforts to monitor, conserve, and restore coral reef ecosystems;

"SEC. 203. FEDERAL CORAL REEF MANAGEMENT AND RESTORATION ACTIVITIES.

(a) IN GENERAL.—The Administrator, the Secretary of the Interior, or the Secretary of Commerce may conduct activities described in subsection (b) to conserve and restore coral reefs and coral reef ecosystems that are consistent with—

"(1) all applicable laws governing resource management in Federal and State waters, including this Act;

"(2) the national coral reef resilience strategy in effect under section 204; and

"(3) coral reef action plans in effect under section 205, as applicable.

(b) ACTIVITIES DESCRIBED.—Activities described in this subsection are activities to conserve, research, monitor, assess, and restore coral reefs and coral reef ecosystems in waters managed under the jurisdiction of a Federal agency specified in subsection (c) or in coordination with a State in waters managed under the jurisdiction of such State, including—

"(1) developing, including through the collection of requisite in situ and remotely sensed data, high-quality and digitized maps reflecting—

"(A) current and historical live coral cover data;

"(B) coral reef habitat quality data;

"(C) priority areas for coral reef conserva-

"tion to monitor and predict changes in coral reef ecosystems;

"(D) priority areas for coral reef restora-

"tion to enhance biodiversity and ecosystem structure and function, including the reef matrix, that benefit coastal communities and living marine resources;

"(E) areas of concern that may require en-

hanced monitoring of coral health and cover;

"(2) enhancing compliance with Federal laws that prohibit or regulate—

"(A) the taking of coral products or species associated with coral reefs; or

"(B) the use and management of coral reef ecosystem services;

"(3) long-term ecological monitoring of coral reef ecosystems;

"(4) implementing species-specific recov-

"ery plans for listed coral species consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

"(5) restoring degraded coral reef eco-

systems;

"(6) promoting ecologically sound naviga-

tion and anchorages, including through navigational aids and expansion of reef-safe anchoring and mooring systems, to bene-

fit marine life and recreational access while preventing or minimizing the likelihood of vessel impacts or other physical damage to coral reefs;

"(7) monitoring and responding to severe bleaching or mortality events, disease outbreaks, invasive species outbreaks, and sig-

nificant environmental changes and chemical spill clean-up and the removal of ground-

ed vessels;

"(8) conducting scientific research that contributes to the understanding, sustain-

able use, and long-term conservation of coral reefs;

"(9) enhancing public awareness, under-

standing, and appreciation of coral reefs and coral reef ecosystems; and

"(10) centrally archiving, managing, and dis-

tributing data sets and coral reef ecosystem health plan and monitoring indicators, to ensure public access to such information on publicly available internet websites, by means such as leveraging and
partnering with existing data repositories, of—

“(A) the Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration; and

“(B) the Task Force.

“(c) FEDERAL AGENCIES SPECIFIED.—A Federal agency specified in this subsection is one of the following:

“(1) The National Oceanic and Atmospheric Administration.

“(2) The National Park Service.

“(3) The United States Fish and Wildlife Service.

“(4) The Office of Insular Affairs.

“SEC. 204. NATIONAL CORAL REEF RESILIENCE STRATEGY.

“(a) IN GENERAL.—The Administrator shall—

“(1) not later than 2 years after the date of the enactment of the Restoring Resilient Reefs Act of 2022, develop a national coral reef resilience strategy and

“(2) periodically thereafter, but not less frequently than once every 5 years, in the case of guidance on best practices under subsection (b)(4), review and revise the strategy as appropriate.

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

“(1) A discussion addressing—

“(A) continuing and emerging threats to the resilience of United States coral reef ecosystems; and

“(B) remaining gaps in coral reef ecosystem research, monitoring, and assessment;

“(2) the status of management cooperation and integration among Federal reef managers and covered reef managers;

“(3) the status of efforts to manage and disseminate critical information, and enhance interjurisdictional data sharing, related to research, reports, datasets, and maps;

“(4) areas of special focus, which may include—

“(i) improving natural coral recruitment;

“(ii) preventing avoidable losses of corals and their habitat;

“(iii) enhancing the resilience of coral populations;

“(iv) supporting a resilience-based management approach;

“(v) developing, coordinating, and implementing watershed management plans;

“(vi) maintaining watersheds management capacity at the local level;

“(vii) providing data essential for coral reef fisheries management;

“(viii) building capacity for coral reef fisheries management;

“(ix) increasing understanding of coral reef ecosystems services;

“(x) improving the public on the importance of coral reefs, threats and solutions; and

“(xi) evaluating intervention efficacy.

“(B) Notwithstanding the requirements of subsection (a), the Administrator shall include—

“(1) a coral reef conservation program, the purposes of which are described in section 304;

“(2) a current adaptive management framework to inform research, monitoring, and assessment needs.

“(C) the status of conservation efforts, including the use of marine protected areas to conserve and restore coral and their habitat; and

“(D) management of coral reef emergencies and disasters.

“(2) A statement of national goals and objectives designed to guide—

“(A) future Federal coral reef management and restoration activities authorized under section 213 and cooperative agreements under section 208; and

“(C) research priorities for the reef research coordination institutes designated under section 153.

“(3) A designation of priority areas for conservation, and priority areas for restoration, to support the review and approval of grants under section 205.

“(4) General templates for use by covered reef managers and Federal reef managers to guide the development of coral reef action plans under section 205, including guidance on the best science-based practices to respond to coral reef emergencies that can be included in coral reef action plans.

“(c) CONSULTATION.—In developing all elements of the strategy required by subsection (a), the Administrator shall—

“(1) consult with the Secretary of the Interior, the Task Force, covered States, and covered Native entities;

“(2) consult with the Secretary of Defense, as appropriate;

“(3) engage stakeholders, including covered States, coral reef stewardship partnerships, reef research coordination institutes and research centers designated under section 214, and recipients of grants under section 213; and

“(4) solicit public review and comment regarding the scope and draft strategy.

“(d) SUBMISSION TO TASK FORCE.—The Administrator shall—

“(1) submit the strategy required by subsection (a) to the Task Force;

“(2) publish the strategy and any such revisions on publicly available internet websites of—

“(A) the Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration; and

“(B) the Task Force.

“SEC. 205. CORAL REEF ACTION PLANS.

“(a) PLANS PREPARED BY FEDERAL REEF MANAGERS.

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Restoring Resilient Reefs Act of 2022, each Federal reef manager shall—

“(A) prepare a coral reef action plan to guide management and restoration activities to be undertaken within the responsibilities and jurisdiction of the manager;

“(B) in consultation with the Secretary of Defense, and maintain a coral reef action plan to guide management and restoration activities to be undertaken within the responsibilities and jurisdiction of the manager.

“(2) EFFECTIVE PERIOD.—A plan prepared under paragraph (1) shall be subject to the requirements of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’).

“(b) PLANS PREPARED BY COVERED REEF MANAGERS.—

“(1) IN GENERAL.—A covered reef manager may elect to prepare, submit to the Task Force, and maintain a coral reef action plan to guide management and restoration activities to be undertaken within the responsibilities and jurisdiction of the manager.

“(2) APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.—Each plan prepared under paragraph (1) shall be subject to the requirements of subchapter II of chapter 5, and chapter 7, of title 5, United States Code.

“(c) PLANS FOR COVERED NATIVE ENTITIES.

“(1) IN GENERAL.—A covered Native entity that prepares a coral reef action plan shall—

“(A) submit the plan, in consultation with the Secretary of the Interior, to the appropriate congressional committees; and

“(B) may contain a discussion of—

“(i) short- and mid-term coral reef conservation and restoration objectives within the jurisdiction of the manager;

“(ii) estimated budgetary and resource considerations necessary to carry out the plan.

“(d) PUBLICATION.—The Administrator shall—

“(1) submit the plan required by paragraph (1) to the Task Force; and

“(2) may contain a discussion of—

“(i) the status of efforts to improve coral reef ecosystem management cooperation and integration between Federal reef managers and covered reef managers, including the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the jurisdiction of the manager;

“(ii) a current adaptive management framework to inform research, monitoring, and assessment needs;

“(iii) tools, strategies, and partnerships necessary to identify, monitor, and address pollution and water quality impacts to coral reef ecosystems within the jurisdiction of the manager;

“(iv) the status of efforts to improve coral reef ecosystem management cooperation and integration between Federal reef managers and covered reef managers, including the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the jurisdiction of the manager; and

“(v) data management plan to ensure data, assessments, and other information are appropriately preserved, curated, publicly accessible, and broadly reusable.

“(e) TECHNICAL ASSISTANCE.—The Administrator shall—

“(1) submit to the Task Force, and make available to Federal reef managers and covered reef managers, including the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the jurisdiction of the manager; and

“(2) provide technical assistance to Federal reef managers and covered reef managers, including the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the jurisdiction of the manager;

“(f) DISSEMINATION.—The Administrator shall publish each coral reef action plan submitted under this section on publicly available internet websites of—

“(f) Contingencies for response to and recovery from emergencies and disasters.

“(g) In the case of an updated plan, annual records of significant management and restoration actions taken under the previous plan, cash and non-cash resources used to undertake the actions, and the source of such resources.

“(h) Documentation by the Federal reef manager that the plan is consistent with the national coral reef resilience strategy in effect under section 204.

“(1) A coral reef action plan to ensure data, assessments, and other information are appropriately preserved, curated, publicly accessible, and broadly reusable.

“(2) The status of efforts to improve coral reef ecosystem management cooperation and integration between Federal reef managers and covered reef managers, including the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the jurisdiction of the manager;

“(3) the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the jurisdiction of the manager; and

“(4) data management plan to ensure data, assessments, and other information are appropriately preserved, curated, publicly accessible, and broadly reusable.

“(5) Technical assistance to Federal reef managers and covered reef managers, including the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the jurisdiction of the manager; and

“(6) a data management plan to ensure data, assessments, and other information are appropriately preserved, curated, publicly accessible, and broadly reusable.

“(7) the status of efforts to improve coral reef ecosystem management cooperation and integration between Federal reef managers and covered reef managers, including the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the jurisdiction of the manager;

“(8) data management plan to ensure data, assessments, and other information are appropriately preserved, curated, publicly accessible, and broadly reusable.
“SEC. 206. CORAL REEF STEWARDSHIP PARTNER-SHIPS.—

(a) In General.—To further the community-based stewardship of coral reefs, coral reef stewardship partnerships for Federal and non-Federal coral reefs may be established in accordance with this section.

(b) Standards and Procedures.—The Administrator shall develop and adopt—

(1) standards for identifying individual coral reefs and ecologically significant units of a reef to ensure no geographic overlap in representation among stewardship partnerships authorized by this section.

(2) a method for Federal Coral Reefs.—A coral reef stewardship partnership that has identified, as the subject of its stewardship activities, a coral reef or ecologically significant component of a coral reef that is not under the management jurisdiction of any Federal agency specified in section 203(c) shall, at a minimum, include the following:

(A) a State or county’s resource management agency.

(B) a coral reef research center designated under subchapter II.

(C) a nongovernmental organization.

(d) Membership for non-Federal Coral Reefs.—

(1) In General.—A coral reef stewardship partnership that has identified, as the subject of its stewardship activities, a coral reef or ecologically significant component of a coral reef that is not under the management jurisdiction of any Federal agency specified in section 203(c) shall, at a minimum, include the following:

(A) A State or county’s resource management agency or a covered Native entity, a representative of which shall serve as the chairperson of the coral reef stewardship partnership.

(B) A coral reef research center designated under subchapter II.

(C) A nongovernmental organization.

(D) Such other members as the partnership considers appropriate, such as interested stakeholder groups and covered Native entities.

(2) Additional Members.—

(A) In General.—Subject to subparagraph (B), a coral reef stewardship partnership described in paragraph (1) may also include representatives of one or more Federal agencies.

(B) Requests; Approval.—A representative of a Federal agency described in subparagraph (A) may become a member of a coral reef stewardship partnership described in paragraph (1) if—

(1) the representative submits a request to become a member to the chairperson of the partnership referred to in paragraph (1)(A); and

(2) the chairperson consents to the request.

(e) Nonapplicability of Federal Advisory Committee Act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to coral reef stewardship partnerships under this section.

SEC. 207. BLOCK GRANTS.—

(a) In General.—The Administrator shall provide block grants of financial assistance to covered States to support management and restoration activities and further the implementation of coral reef action plans in effect under section 205 by covered States and non-Federal coral reef stewardship partnerships in accordance with this section.

(b) Eligibility for Additional Amounts.—

(1) In General.—A covered State shall qualify for and receive additional grant funds under this section if there is at least one coral reef action plan in effect within the jurisdiction of the covered State developed by that covered State or a non-Federal coral reef stewardship partnership.

(2) Waiver for Certain Fiscal Years.—The Administrator may waive the requirement under paragraph (1) during fiscal years 2023 and 2024.

(c) Funding Formula.—Subject to the availability of funds to be allocated under this section, the amount of each block grant awarded to a covered State under this section shall be the sum of—

(1) a base award of $100,000; and

(2) if the State is eligible under subsection (b)—

(A) an amount that is equal to non-Federal expenditures of up to $3,000,000 on coral reef management and restoration activities within the jurisdiction of the State, as reported within the previous fiscal year; and

(B) an additional amount, from any funds appropriated for block grants under this section that remain after distribution under subparagraph (A) and paragraph (1), based on the proportion of the State’s share of total non-Federal expenditures on coral reef management and restoration activities, as reported within the previous fiscal year, in excess of $3,000,000, relative to other covered States.

(d) Exclusions.—For the purposes of calculating block grant amounts under subsection (c), Federal funds provided to a covered State or non-Federal coral reef stewardship partnership shall not be considered as qualifying non-Federal expenditures, but non-Federal matching funds used to leverage Federal awards shall be considered as qualifying non-Federal expenditures.

(e) Responsibilities of the Administrator.—The administrator is responsible for—

(1) providing guidance on qualifying non-Federal expenditures and the proper documentation of such expenditures;

(2) issuing annual solicitations to covered States for awards under this section; and

(3) determining the appropriate allocation of awards among covered States in accordance with this section.

(f) Responsibilities of Covered States.—Each covered State is responsible for documenting non-Federal expenditures within the jurisdiction of the State and formally reporting those expenditures for review in response to annual solicitations by the Administrator under subsection (e).

SEC. 208. COOPERATIVE AGREEMENTS.—

(a) In General.—The Administrator shall seek to enter into cooperative agreements with covered States to further coral reef conservation and restoration activities in waters managed under the jurisdiction of those covered States that are consistent with the requirements set forth in section 205 and the national coral reef resilience strategy in effect under subsection (c).

(b) All Islands Committee.—The Administrator may enter into a cooperative agreement with the All Islands Committee of the Task Force to provide support for its activities.

(c) Funding.—Cooperative agreements under subsection (a) shall provide not less than $500,000 to each covered State and are subject to any requirements.

SEC. 209. CORAL REEF STEWARDSHIP FUND.—

(a) Agreement.—The Administrator shall seek to enter into an agreement with the National Fish and Wildlife Foundation (in this section referred to as the ‘‘Foundation’’), authorizing the Foundation to receive, hold, and administer funds received under this section.

(b) Fund.—

(1) In General.—The Foundation shall establish an account, which shall—

(A) be known as the ‘‘Coral Reef Stewardship Fund’’ (in this section referred to as the ‘‘Fund’’); and

(B) serve as the successor to the account known before the date of the enactment of the Restoring Resilient Reefs Act of 2022 as the Coral Reef Conservation Fund and administered through a public-private partnership with the Foundation.

(2) Purposes.—The Fund shall be available solely to support coral reef stewardship activities that—

(A) further the purposes of this title; and

(B) are consistent with—

(i) the national coral reef resilience strategy in effect under section 204; and

(ii) coral reef action plans in effect, if any, under section 205 covering a coral reef or ecologically significant component of a coral reef to be impacted by such activities, if applicable.

(3) Investment of Amounts.—

(A) Investment of Amounts.—The Foundation may accept, receive, solicit, hold, administer, and use any gift (including, as to both principal and interest by the United States).

(B) Interest and Proceeds.—The interest and proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(4) Authorization to Solicit Donations.—The Administrator shall conduct a continuing review of all deposits into, and disbursements from, the Fund. Each review shall include a written assessment concerning the extent to which the Foundation has implemented the goals and requirements of—

(A) this section; and

(B) the national coral reef resilience strategy in effect under section 204.

(c) Authorization to Solicit Donations.—The Administrator may enter into an agreement with the Administrator under section 3302 of title 31, United States Code, donations of funds received by the Administrator under section 3302 of title 31, United States Code, any funds received as a gift shall be deposited and maintained in the Fund.

(d) All Islands Committee.—The Administrator may enter into a cooperative agreement with the All Islands Committee of the Task Force to provide support for its activities.
matching, in whole or in part, contributions (whether in money, services, or property) made to the Foundation by private persons, Federal or State agencies, State or local government agencies, or covered Native entities.

"SEC. 210. EMERGENCY ASSISTANCE."

"(a) In general.—Notwithstanding any other provision of law, from funds appropriated to the National Fish and Wildlife Foundation for the administration of the Coral Reef Disaster Fund (in this section referred to as the ‘Foundation’), the Administrator may make grants and provide assistance to any covered State or coral reef stewardship partnership to respond to immediate harm to coral reefs or coral reef ecosystems arising from any of the exigent circumstances described in subsection (b).

"(b) Coral reef exigent circumstances.—The Administrator shall develop a list of, and criteria for, circumstances that pose an exigent threat to coral reefs, including—

"(1) new and ongoing outbreaks of disease;
"(2) new and ongoing outbreaks of invasive or nuisance species;
"(3) new and ongoing coral bleaching events;
"(4) natural disasters;
"(5) industrial or mechanical incidents, such as vessel groundings, hazardous spills, or coastal construction accidents; and
"(6) other circumstances that pose an exigent threat to coral reefs.

"(c) Annual report on exigent circumstances.—On February 1 of each year, the Administrator shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report that—

"(1) describes locations with exigent circumstances described in subsection (b) that were considered but declined for emergency assistance, and the rationale for the decision; and
"(2) with respect to each instance in which emergency assistance under this section was provided—

"(A) the location and a description of the exigent circumstances that prompted the emergency assistance, the entity that received the assistance, and the current and expected outcomes from the assistance;
"(B) a description of activities of the National Oceanic and Atmospheric Administration (whether in money, services, or property) made to the Foundation by private persons, Federal or State agencies, State or local government agencies, or covered Native entities.

"SEC. 211. VESSEL DISASTER FUND.

"(a) Agreement.—The Administrator shall seek to enter into an agreement with the National Fish and Wildlife Foundation (in this section referred to as the ‘Foundation’), the National Oceanic and Atmospheric Administration, the National Marine Fisheries Service, and the states to establish the Coral Reef Disaster Fund.

"(b) Fund.—

"(1) In general.—The Foundation shall establish an account to be known as the ‘Coral Reef Disaster Fund’.

"(2) Deposits.—The Foundation shall accept any contribution to the Fund.

"(3) Purposes.—The Fund shall be available solely to support the long-term recovery of coral reefs from exigent circumstances described in subsection (b).

"(4) Agreement.—In a manner that is consistent with—

"(i) the national coral reef resilience strategy in effect under section 204; and
"(ii) coral reef action plans in effect, if any,

"(5) Investment of amounts.—

"(A) Investment of amounts.—The Foundation shall invest such portion of the Fund as may be necessary to invest withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

"(6) Interest and proceeds.—The interest on, and the proceeds from, the Fund shall be credited to and form a part of the Fund.

"(7) Review of performance.—The Administrator shall conduct an annual review of the Fund's activities, including, where applicable, a written assessment concerning the extent to which the Foundation has implemented the goals and requirements of this section.

"SEC. 212. VESSEL GROUNDING INVENTORY.

"The Administrator, in coordination with the Coral Reef Conservation Program (16 U.S.C. 1801 et seq.) and the Coral Reef Disaster Fund, shall conduct an inventory of vessel groundings and associated incidents involving United States coral reefs, including a description of—

"(1) the location of each such incident;
"(2) any vessel information relating to each such incident, if available;
"(3) the impacts of each such incident to coral reefs, coral reef ecosystems, and related natural resources;
"(4) the estimated cost of removal of the vessel, remediation, or restoration arising from each such incident;
"(5) any response actions taken by the owner of the vessel, the Administrator, the Commandant, or representatives of other Federal or State agencies;
"(6) the status of such response actions, including—

"(A) when the grounded vessel was removed, the costs of removal, and the how the removal was funded;
"(B) a narrative and timeline of remediation or restoration activities undertaken by a Federal agency or agencies; and
"(7) any noncash support.

"(8) The Administrator shall enter into an agreement with a covered reef manager or a covered entity to enter into agreements with covered reef managers or covered entities for the conservation and restoration of coral reefs in practice or demonstrated expertise in the conservation or restoration of coral reefs in practice or through significant contributions to the body of existing scientific research on coral reefs.

"(9) Project proposals.—Each proposal for a grant under this section for a coral reef project shall include the following:

"(A) The name of the individual or entity responsible for conducting the project;
"(B) A succinct statement of the purposes of the project;
"(C) An estimate of the funds and time required to complete the project;
"(D) Information regarding the source and amount of matching funding available to the applicant.

"(10) A description of how the project meets one or more of the criteria under subsection (f)(2).

"(11) In the case of a proposal submitted by a coral reef stewardship partnership, a description of how the project aligns with the applicable coral reef action plan in effect under section 205.
"(9) Any other information the Administrator considers to be necessary for evaluating the eligibility of the project for a grant under this subsection.

"(e) REQUIREMENTS FOR PROPOSAL AND APPROVAL.—

"(1) IN GENERAL.—The Administrator shall review each coral reef project proposal submitted under this section to determine if the project meets the criteria set forth in subsection (f).

"(2) PRIORITIZATION OF CONSERVATION PROJECTS.—The Administrator shall prioritize the awarding of funding for projects that meet the criteria for approval under subparagraphs (A) through (L) of subsection (d)(2) that are proposed to be conducted within priority areas identified for coral reef conservation by the Administrator under the national coral reef resilience strategy in effect under section 204.

"(3) PRIORITIZATION OF RESTORATION PROJECTS.—The Administrator shall prioritize the awarding of funding for projects that meet the criteria for approval under subparagraphs (E) through (L) of subsection (d)(2) that are proposed to be conducted within priority areas identified for coral reef restoration by the Administrator under the national coral reef resilience strategy in effect under section 204.

"(4) REVIEW; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a proposal for a project under this section, the Administrator shall—

"(1) request and consider written comments on the proposal from each Federal agency, State government, covered Native entity, or other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or any National Marine Sanctuary or Marine National Monument, with jurisdiction or management authority over coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is consistent with locally established priorities, unless such entities were directly involved in the development of the project proposal;

"(2) provide for the merit-based peer review of all proposals and require standardized documentation of that peer review;

"(3) after considering any written comments and recommendations based on the reviews under subparagraphs (A) and (B), approve or disapprove the proposal; and

"(4) provide written notification of that approval or disapproval, with summaries of all written comments, recommendations, and peer reviews, to the entity that submitted the proposal, and each of those States, covered Native entity, and other government jurisdictions that provided comments under subparagraph (A).

"(f) CRITERIA FOR APPROVAL.—The Administrator may not approve a proposal for a coral reef project under this section unless the project—

"(1) is consistent with—

"(A) the national coral reef resilience strategy in effect under section 204; and

"(B) any Federal or non-Federal coral reef action plans in effect under section 255 covering a coral reef or ecologically significant unit of a coral reef to be affected by the project; and

"(2) will enhance the conservation and restoration of coral reefs by—

"(A) addressing conflicts arising from the use of environments near coral reefs or from the use of corals, species associated with coral reefs, and coral products, including supports for those activities provided by coral reef-based planning and management initiatives for the protection of coral reef ecosystems;

"(B) improving compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reefs or regulate the use and management of coral reef ecosystems, or to develop management or adaptation options to conserve and restore coral reef ecosystems;

"(C) designing and implementing networks of real-time water quality monitoring along coral reefs, including data collection related to turbidity, nutrient availability, harmful algal blooms, and plankton assemblages, with an emphasis on coral reefs impacted by agriculture and urban development;

"(D) providing for coral reef action plans in effect under section 205; and

"(E) mapping the location and distribution of coral reefs and potential coral reef habitats;

"(F) stimulating innovation to advance the ability of the United States to understand, research, or monitor coral reef ecosystems, or to develop management or adaptation options to conserve and restore coral reef ecosystems;

"(G) implementing research to ensure the population viability of listed coral species in United States waters as detailed in the population-based recovery criteria included in the species' listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

"(H) developing and maintaining in situ coral gene banks to—

"(i) conserve or augment genetic diversity of native coral populations;

"(ii) support captive breeding of rare coral species; or

"(iii) enhance resilience of native coral populations to increasing ocean temperatures, ocean acidification, coral bleaching, coral diseases, and invasive species;

"(I) developing and implementing ex situ coral reef action plans for coral reef nurseries and land-based coral gene banks to—

"(i) conserve or augment genetic diversity of native coral populations;

"(II) developing and maintaining ex situ coral reef action plans for coral reef nurseries and land-based coral gene banks to—

"(i) conserve or augment genetic diversity of native coral populations;

"(ii) support captive breeding of rare coral species; or

"(iii) enhance resilience of native coral populations to increasing ocean temperatures, ocean acidification, coral bleaching, and coral diseases through selective breeding, conditioning, or other approaches that target genes, gene expression, phenotypic traits, or phenotypic plasticity.

"(g) FUNDING REQUIREMENTS.—To the extent practicable based upon proposals for coral reef projects submitted to the Administrator, the Administrator shall ensure that the requirements for funding for grants awarded under this section during a fiscal year is distributed as follows:

"(I) Not less than 40 percent of funds available shall be awarded for projects in the Pacific Ocean within the maritime areas and zones subject to the jurisdiction or control of the United States;

"(II) Not less than 40 percent of the funds available shall be awarded for projects in the Atlantic Ocean, the Gulf of Mexico, or the Caribbean Sea within the maritime areas and zones subject to the jurisdiction or control of the United States;
“(A) periodically solicit applications for designation of qualifying institutions in covered States as coral reef research centers; and

“(B) designate all qualifying institutions in covered States as coral reef research centers.

“(2) QUALIFYING INSTITUTIONS.—For purposes of paragraph (1), an institution is a qualifying institution if the Administrator determines that the institution—

“(A) is operated by an institution of higher education or nonprofit marine research organization;

“(B) has established management-driven national or regional coral reef research or restoration programs;

“(C) has demonstrated abilities to coordinate closely with appropriate Federal and State agencies, as well as other academic and nonprofit organizations; and

“(D) maintains significant local community engagement and outreach programs related to coral reef ecosystems.

“(3) PURPOSE.—The purpose of paragraph (1), an institution is a qualifying institution if the Administrator determines that the institution—

“(A) is operated by an institution of higher education or nonprofit marine research organization;

“(B) has established management-driven national or regional coral reef research or restoration programs;

“(C) has demonstrated abilities to coordinate closely with appropriate Federal and State agencies, as well as other academic and nonprofit organizations; and

“(D) maintains significant local community engagement and outreach programs related to coral reef ecosystems.

“SEC. 216. REPORTS ON ADMINISTRATION.

“Not later than 3 years after the date of the enactment of the Restoring Resilient Reefs Act of 2022, and every 2 years thereafter, the Administrator shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the administration of this title during the 2-year period preceding submission of the report, including—

“(1) a description of all activities undertaken to implement the most recent national coral reef resilience strategy under section 204;

“(2) a statement of all funds obligated under the authorities of this title during the 2-year period preceding submission of the report;

“(3) a summary, disaggregated by State, of Federal and non-Federal contributions toward the costs of each project or activity funded, in full or in part, under the authorities of this title.

“SEC. 216A. DEFINITIONS.

“In this title:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the National Oceanic and Atmospheric Administration.

“(2) ALASKA NATIVE CORPORATION.—The term ‘Alaska Native Corporation’ has the meaning given the term ‘Native Corporation’ in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1401).

“(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

“(4) CONSERVATION.—The term ‘conservation’ means the use of methods and procedures necessary to preserve or sustain native corals and associated species as diverse, viable, and self-perpetuating coral reef ecosystems with minimal impacts from invasive species, including—

“(A) all activities associated with resource management, such as monitoring, assessment, protection, restoration, sustainable use, management of habitat, and maintenance or augmentation of genetic diversity;

“(B) mapping;

“(C) scientific expertise and technical assistance in the development and implementation of management strategies for marine protected areas and marine resources consistent with the National Oceanic and Atmospheric Administration Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

“(D) law enforcement;

“(E) conflict resolution initiatives;

“(F) community outreach and education; and

“(G) promotion of safe and ecologically sound navigation and anchoring.

“(5) CORAL.—The term ‘coral’ means species of the phylum Cnidaria, including—

“(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Alcyonacea (soft corals, organ pipe corals, gorgonians), and Heliozoa (blue coral), of the class Anthozoa; and

“(B) all species of the order Anthothecata (fire corals and other hydrocorals) of the class Hydrozoa.

“(6) CORAL PRODUCTS.—The term ‘coral products’ means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (5).

“(7) CORAL REEF.—The term ‘coral reef’ means calcium carbonate structures in the form of rocks or shoals in whole or in part by living coral, skeletal remains of coral, crustose coralline algae, and other associated sessile marine plants and animals.

“(8) COVERED NATIONAL ORGANIZATION.—The term ‘covered National organization’ means—

“(A) and other geographically and ecologically associated marine communities of other reef organisms (including reef plants and animals) associated with coral reef habitat; and

“(B) the biotic and abiotic factors and processes that control or affect coral calcification rates, tissue growth, reproduction, recruitment, abundance, coral-algal symbiosis, and biodiversity in such habitat.

“(9) COVERED NATIVE ENTITY.—The term ‘covered Native entity’ means a Native entity of a covered State with interests in a coral reef ecosystem.

“(10) COVERED REEF MANAGER.—The term ‘covered reef manager’ means—

“(A) a management unit of a covered State with jurisdiction over a coral reef ecosystem; or

“(B) a covered State;

“(C) a coral reef stewardship partnership under section 206(d); or

“(D) federal agency specified.—A Federal agency specified in this subparagraph is one of the following:

“(i) The National Oceanic and Atmospheric Administration;

“(ii) The National Park Service;

“(iii) The United States Fish and Wildlife Service;

“(iv) The Office of Insular Affairs.

“(C) AGENCY JURISDICTION.—Nothing in this Act shall be construed to expand the management jurisdiction of a Federal agency specified in subparagraph (B) or a coral reef stewardship partnership under section 206(c) to coral reefs or coral reef ecosystems outside the boundaries of the coral reef ecosystem.

“(14) INTERESTED STAKEHOLDER GROUPS.—The term ‘interested stakeholders’ includes community members such as businesses, commercial and recreational fishermen, other reef politicians, covered Native entities, Federal, State, and local government units with related jurisdiction, institutions of higher education, and nongovernmental organizations.

“(15) NATURE ENTITY.—The term ‘nature entity’ means any of the following:

“(A) an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 460k));

“(B) an Alaska Native Corporation;

“(C) the Department of Hawaiian Home Lands;

“(D) the Office of Hawaiian Affairs;

“(E) a Native Hawaiian organization (as defined in section 6207 of the Elementary and

(16) NONPROFIT ORGANIZATION.—The term ‘nonprofit organization’ means any corpora-
tion, association, cooperative, or other organization, not including an institu-
tion of higher education, that—
(A) is operated primarily for scientific, educational, charitable, or similar purposes in the public interest;
(B) is not organized primarily for profit; and
(C) uses net proceeds to maintain, improve, or expand the operations of the orga-
nization.

(17) RESTORATION.—The term ‘restoration’ means the use of methods and procedures necessary to enhance, rehabilitate, recreate, or create a functioning coral reef or coral reef ecosystem, in whole or in part, within suitable waters of the historical geographic range of such ecosystems, to provide ecologi-
cal, economic, cultural, or coastal resiliency services associated with healthy coral reefs and benefit native populations of coral reef organisms.

(18) RESILIENCE.—The term ‘resilience’ means the capacity for corals within their native range, or coral reef ecosystems, to resist and recover from natural and human disturbances, and maintain structure and function to provide ecosystem services provided by clearly identifi-
able, measurable, and science-based standards.

(19) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce.

(20) STATE.—The term ‘State’ means—
(A) any State of the United States that contains a coral reef ecosystem within its seaward bound-
ary;
(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the United States Virgin Islands; or
(C) any other territory or possession of the United States or separate sovereign in free association with the United States that contains a coral reef ecosystem within its seaward boundaries.

(21) STEWARDSHIP.—The term ‘stewardship’, with respect to a coral reef, includes conservation, restoration, and public outreach and education.


(b) CONFORMING AMENDMENT TO NATIONAL OCEANS AND ATMOSPHERE ACT.—Sec-
tion 905(a) of the National Oceans and Coastal Security Act (16 U.S.C. 7504(a)) is amended by striking ‘‘coastal infrastructure’’ and inserting ‘‘coral reef infrastructure’’ and inserting ‘‘coastal infrastructure, and eco-
system services provided by natural systems such as coral reefs’’.

Subtitle B—United States Coral Reef Task Force

SEC. 5121. ESTABLISHMENT.

There is established a task force to lead, coordinate, and strengthen Federal Government actions to better preserve, conserve, and restore coral reef ecosystems, to be known as the ‘‘United States Coral Reef Task Force’’ (in this subtitle referred to as the ‘‘Task Force’’).

SEC. 5122. DUTIES.

The duties of the Task Force shall be—
(1) to coordinate, in cooperation with cov-
ered States, covered Native entities, Federal reef managers, covered reef managers, coral reef research centers designated under sec-
tion 214(b) of the Coral Reef Conservation Act of 2000 (as amended by section 5111), and other Federal, State, and local partners, as appropriate, activities regarding the mapping, monitoring, research, conserva-
tion, mitigation, and restoration of coral reefs and coral reef ecosystems;
(2) to monitor and advise regarding imple-
mentation of the policy and Federal agency responsibilities set forth in—
(A) Executive Order 13089 (33 Fed. Reg. 32701; relating to coral reef protection); and
(B) the national coral reef resilience strat-
tegy of the Coral Reef Conservation Act of 2000, as amended by section 5111;
(3) to work in coordination with the other members of the Task Force—
(A) to assess the United States role in international trade and protection of coral species;
(B) to encourage implementation of appro-
priate strategies and actions to promote con-
servation and sustainable use of coral reef resources worldwide; and
(C) to collaborate with international com-
}
SEC. 5141. SHORT TITLE.
This subtitle may be cited as the “Susan L. Williams National Coral Reef Management Fellowship Act of 2022”.

SEC. 5142. DEFINITIONS.
In this subtitle—
(1) ALASKA NATIVE CORPORATION.—The term ‘‘Alaska Native Corporation’’ has the meaning given the term ‘‘Native Corporation’’ in section 301 of the Indian Self-Determination and Education Assistance Act (43 U.S.C. 5301).
(2) FELLOW.—The term ‘‘fellow’’ means a National Coral Reef Management Fellowship.
(3) FELLOWSHIP.—The term ‘‘fellowship’’ means the National Coral Reef Management Fellowship established in section 5143.
(4) COVERED NATIVE ENTITY.—The term ‘‘covered Native entity’’ means a Native entity of a covered State with interests in a coral reef ecosystem.
(5) COVERED STATE.—The term ‘‘covered State’’ means Florida, Hawaii, and the territory of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the United States Virgin Islands.
(6) NATIVE ENTITY.—The term ‘‘Native entity’’ means any of the following:
(A) An Indian Tribe (as defined in section 218 of the Coral Reef Conservation Act of 2000, as amended by section 5111; and
(B) An Alaska Native Corporation.
(C) The Department of Hawaiian Home Lands.
(D) The Office of Hawaiian Affairs.
(E) A Native Hawaiian organization (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 67517)).
(7) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Commerce.

SEC. 5143. ESTABLISHMENT OF FELLOWSHIP PROGRAM.
(a) IN GENERAL.—There is established a National Coral Reef Management Fellowship Program.
(b) PURPOSES.—The purposes of the fellowship are—
(1) to encourage future leaders of the United States to develop individual coral reef management capacity in States and local communities with coral reefs;
(2) to provide agencies of covered States or covered Native entities with highly qualified candidates whose education and work experience meet the specific needs of each covered State or covered Native entity; and
(3) to provide fellows with professional experience in management of coastal and coral reef resources.

SEC. 5144. FELLOWSHIP AWARDS.
(a) IN GENERAL.—The Secretary, in partnership with the Secretary of the Interior, shall award fellowships in accordance with this section.
(b) TERM OF FELLOWSHIP.—A fellowship awarded under this section shall be for a term of not more than 2 years.
(c) QUALIFICATIONS.—The Secretary shall award the fellowship to individuals who have demonstrated—
(1) an intent to pursue a career in marine services and outstanding potential for such a career;
(2) leadership potential, actual leadership experience, or both;
(3) a college or graduate degree in biological science, a resource management college or graduate degree with experience that correlates with aptitude and interest for marine management, or both;
(4) proficient writing and speaking skills; and
(5) other such attributes as the Secretary considers appropriate.

SEC. 5145. MATCHING REQUIREMENT.
(a) IN GENERAL.—Except as provided in subsection (b), the non-Federal share of the costs of a fellowship under this section shall be 50 percent of such costs.
(b) WAIVER OF REQUIREMENTS.—The Secretary may waive the application of subsection (a) if the Secretary finds that such waiver is necessary to support a project that the Secretary has identified as a high priority.

TITLE XII—BOLSTERING LONG-TERM UNDERSTANDING AND EXPLORATION OF THE GREAT LAKES, OCEANS, BAYS, AND ESTUARIES

SEC. 5201. SHORT TITLE.
This title may be cited as the “Bolstering Long-Term Understanding and Exploration of the Great Lakes, Oceans, Bays, and Estuaries Act” or the “BLUE GLOBE Act”.

SEC. 5202. PURPOSE.
The purpose of this title is to promote and support for Oceans and Atmosphere—
(1) the monitoring, understanding, and exploration of the Great Lakes, oceans, bays, estuaries, and coasts; and
(2) the collection, analysis, synthesis, and sharing of data related to the Great Lakes, oceans, bays, estuaries, and coasts to facilitate science and operational decision making.

SEC. 5203. SENSE OF CONGRESS.
It is the sense of Congress that Federal agencies should optimize data collection, monitoring, and dissemination, to the extent practicable, to maximize their impact for research, conservation, commercial, regulatory, national security, and educational benefits and to foster innovation, scientific discoveries, the development of commercial products, and the development of sound policy with respect to the Great Lakes, oceans, bays, estuaries, and coasts.

SEC. 5204. DEFINITIONS.
In this title:
(1) ADMINISTRATOR.—The term ‘‘Administrator’’ means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary’s capacity as Administrator of the National Oceanic and Atmospheric Administration.
(2) INDIAN TRIBE.—The term ‘‘Indian Tribe’’ has the meaning given that term in section 218 of the Coral Reef Conservation Act of 2000, as amended by section 5111.

SEC. 5201. SHORT TITLE.
This title may be cited as the “Susan L. Williams National Coral Reef Management Fellowship Act of 2022”.

SEC. 5142. DEFINITIONS.
In this subtitle—
(1) ALASKA NATIVE CORPORATION.—The term ‘‘Alaska Native Corporation’’ has the meaning given the term ‘‘Native Corporation’’ in section 301 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301).
(2) FELLOW.—The term ‘‘fellow’’ means a National Coral Reef Management Fellowship.
(3) FELLOWSHIP.—The term ‘‘fellowship’’ means the National Coral Reef Management Fellowship established in section 5143.
(4) COVERED NATIVE ENTITY.—The term ‘‘covered Native entity’’ means a Native entity of a covered State with interests in a coral reef ecosystem.
(5) COVERED STATE.—The term ‘‘covered State’’ means Florida, Hawaii, and the territory of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the United States Virgin Islands.
(6) NATIVE ENTITY.—The term ‘‘Native entity’’ means any of the following:
(A) An Indian Tribe (as defined in section 218 of the Coral Reef Conservation Act of 2000, as amended by section 5111; and
(B) An Alaska Native Corporation.
(C) The Department of Hawaiian Home Lands.
(D) The Office of Hawaiian Affairs.
(E) A Native Hawaiian organization (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 67517)).
(7) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Commerce.

SEC. 5143. ESTABLISHMENT OF FELLOWSHIP PROGRAM.
(a) IN GENERAL.—There is established a National Coral Reef Management Fellowship Program.
(b) PURPOSES.—The purposes of the fellowship are—
(1) to encourage future leaders of the United States to develop additional coral reef management capacity in States and local communities with coral reefs;
(2) to provide agencies of covered States or covered Native entities with highly qualified candidates whose education and work experience meet the specific needs of each covered State or covered Native entity; and
(3) to provide fellows with professional experience in management of coastal and coral reef resources.

SEC. 5144. FELLOWSHIP AWARDS.
(a) IN GENERAL.—The Secretary, in partnership with the Secretary of the Interior, shall award fellowships in accordance with this section.
(b) TERM OF FELLOWSHIP.—A fellowship awarded under this section shall be for a term of not more than 2 years.
(c) QUALIFICATIONS.—The Secretary shall award the fellowship to individuals who have demonstrated—
(1) an intent to pursue a career in marine services and outstanding potential for such a career;
(2) leadership potential, actual leadership experience, or both;
(3) a college or graduate degree in biological science, a resource management college or graduate degree with experience that correlates with aptitude and interest for marine management, or both;
(4) proficient writing and speaking skills; and
(5) other such attributes as the Secretary considers appropriate.

SEC. 5145. MATCHING REQUIREMENT.
(a) IN GENERAL.—Except as provided in subsection (b), the non-Federal share of the costs of a fellowship under this section shall be 50 percent of such costs.
(b) WAIVER OF REQUIREMENTS.—The Secretary may waive the application of subsection (a) if the Secretary finds that such waiver is necessary to support a project that the Secretary has identified as a high priority.
trade-based skillsets or credentials suited to a career in oceanic and atmospheric data collection, processing, satellite production, or satellite operations; “ and
(b) To empower States to take a lead role in managing oceans, coastal, and Great Lakes areas.
(c) To commit the United States to a comprehensive cooperative program to achieve improved water quality, and improvements in the productivity of living resources of ocean, coastal, and Great Lakes ecosystems.
(d) To authorize Regional Ocean Partnerships as intergovernmental coordinators for shared regional priorities among States and Indian Tribes relating to the collaborative management of the large marine ecosystems, thereby reducing duplication of efforts and maximizing opportunities to leverage support in the ocean and coastal regions. It is the sense of Congress that—
(1) The United States should seek to support spatiotemporal coordination among regional priorities relating to the management, conservation, resilience, and restoration of ocean, coastal, and Great Lakes areas to optimize efficient collaborative regional efforts by Regional Ocean Partnerships, in coordination with Federal and State agencies, Indian Tribes, and local authorities;
(2) Such efforts would enhance existing and effective ocean, coastal, and Great Lakes management efforts of States and Indian Tribes based on shared regional priorities; and
(3) Regional Ocean Partnerships should coordinate with Indian Tribes.
(c) PURPOSES.—The purposes of this title are as follows:
(1) To complement and expand cooperative voluntary efforts into a unitary management, conserve, and restore ocean, coastal, and Great Lakes areas spanning across multiple State and Indian Tribe jurisdictions.
(2) To expand Federal support for monitoring, data management, restoration, research, and conservation activities in ocean, coastal, and Great Lakes areas.
(3) To commit the United States to a comprehensive cooperative program to achieve improved water quality in, and improvements in the productivity of living resources of ocean, coastal, and Great Lakes ecosystems.
(4) To authorize Regional Ocean Partnerships as intergovernmental coordinators for shared regional priorities among States and Indian Tribes relating to the collaborative management of the large marine ecosystems, thereby reducing duplication of efforts and maximizing opportunities to leverage support in the ocean and coastal regions.
(5) To empower States to take a lead role in managing oceans, coastal, and Great Lakes areas.
(6) To incorporate rights of Indian Tribes in the management of oceans, coastal, and Great Lakes resources and provide resources to support Indian Tribe participation in and engagement with Regional Ocean Partnerships.
(7) To enable Regional Ocean Partnerships, on behalf of the United States and other coastal States, to receive Federal funding to conduct the scientific research, conservation, and restoration activities, and priority adaptation and management activities necessary to achieve the purposes described in paragraphs (1) through (6).
SEC. 5302. REGIONAL OCEAN PARTNERSHIPS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COASTAL STATE.—The term "coastal state" has the meaning given that term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(b) REGIONAL OCEAN PARTNERSHIPS.—

(1) IN GENERAL.—A coastal state may participate in a Regional Ocean Partnership with one or more other—

(A) coastal states that share a common ocean or coastal area with the coastal state, without regard to whether the coastal states are contiguous; and

(B) States—

(i) with which the coastal state shares a common watershed; or

(ii) whose people contribute to the priorities of the partnership.

(2) GREAT LAKES.—A partnership consisting of one or more coastal states bordering one or more Great Lakes may be known as a "Regional Coastal Partnership" or a "Regional Great Lakes Partnership".

(3) APPLICATION.—The Governor of a coastal state or the governors of a group of coastal states may apply to the Secretary of Commerce, on behalf of a partnership, for the partnership to receive designation as a Regional Ocean Partnership if the partnership—

(A) meets the requirements under paragraphs (a) and (b); and

(A) submits an application for such designation in such manner, in such form, and containing such information as the Secretary may require.

(4) REQUIREMENTS.—A partnership is eligible for designation as a Regional Ocean Partnership by the Secretary under paragraph (3) if the partnership—

(A) is established to coordinate the management of ocean, coastal, and Great Lakes resources among State governments and Indian Tribes; and

(B) focuses on the environmental issues affecting the ocean, coastal, and Great Lakes areas of the members participating in the partnership;

(C) complements existing coastal and ocean management efforts of States and Indian Tribes on an interstate scale, focusing on shared priorities;

(D) does not have a regulatory function; and

(E) is not duplicative of an existing Regional Ocean Partnership designated under paragraph (5), as determined by the Secretary.

(5) DESIGNATION OF CERTAIN ENTITIES AS REGIONAL OCEAN PARTNERSHIPS.—Notwithstanding paragraph (3) or (4), the following entities are designated as Regional Ocean Partnerships:

(A) the Gulf of Mexico Alliance, comprised of the States of Alabama, Florida, Louisiana, Mississippi, Texas, and Mexico.

(B) The Northeast Regional Ocean Council, comprised of the States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

(C) The Mid-Atlantic Regional Council on the Ocean, comprised of the States of New York, New Jersey, Delaware, Maryland, and Virginia.

(D) The West Coast Ocean Alliance, comprised of the States of California, Oregon, and Washington and the coastal Indian Tribes therein.

(e) GOVERNANCE.—BODIES OF REGIONAL OCEAN PARTNERSHIPS.—

(1) IN GENERAL.—A Regional Ocean Partnership designated under subsection (b) shall have a governing body.

(2) MEMBERSHIP.—A governing body described in paragraph (1)—

(A) shall, at a minimum, be composed of voting members from each coastal state participating in the Regional Ocean Partnership, designated by the Governor of the coastal state; and

(B) may include such other members as the partnership considers appropriate.

(d) FUNCTIONS.—A Regional Ocean Partnership designated under subsection (b) may perform the following functions:

(1) Promote coordination of the actions of the agencies of coastal states participating in the partnership with the actions of the appropriate officials of Federal agencies, State governments, and Indian Tribes in developing strategies—

(A) to conserve living resources, increase valuable habitats, enhance coastal resilience and ocean management, promote ecological and economic health, and address such other issues related to the shared ocean, coastal, or Great Lakes areas as are determined to be a shared, regional priority by those states; and

(B) to manage regional data portals and develop associated data products for purposes that support the priorities of the partnership.

(2) In cooperation with appropriate Federal and State agencies, Indian Tribes, and local authorities, develop and implement specific action plans to carry out coordination goals.

(3) Coordinate and implement priority plans and projects, and facilitate science, research, modeling, monitoring, data collection, and other activities that support the goals of the partnership through the provision of grants and contracts under subsection (f).

(4) Engage, coordinate, and collaborate with relevant governmental entities and stakeholders to address ocean and coastal related matters that require interagency or intergovernmental solutions.

(5) Implement outreach programs for public information, education, and participation to foster stewardship of the resources of the ocean, coastal, and Great Lakes areas, as relevant.

(6) Develop and make available, through publications, technical assistance, and other appropriate means, information pertaining to cross-jurisdictional issues being addressed through the coordinated activities of the partnership.

(7) Serve as a liaison with, and provide information to, international counterparts, as appropriate on priority issues for the partnership.

(8) COORDINATION, CONSULTATION, AND ENGAGEMENT.—

(1) IN GENERAL.—A Regional Ocean Partnership designated under subsection (b) shall maintain mechanisms for coordination, consultation, and engagement with the following:

(A) The Federal Government.

(B) Indian Tribes.

(C) Nongovernmental entities, including academic organizations, nonprofit organizations, and private sector entities.

(D) Other federally mandated regional entities, including the Regional Fishery Management Councils, the regional associations of the Ocean Observation System, and relevant Marine Fisheries Commissions.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1)(B) may be construed as affecting any requirement to consult with Indian Tribes under Executive Order 13175 (25 U.S.C. 5306; relating to "consultation and coordination with Indian tribal governments) or any other applicable law or policy.

(f) GRANTS AND CONTRACTS.—

(1) IN GENERAL.—A Regional Ocean Partnership designated under subsection (b) may, in coordination with existing Federal and State management programs, from amounts made available to the partnership by the Administrator or the head of another Federal agency, provide grants and enter into contracts for the purposes described in paragraph (2).

(2) PURPOSES.—The purposes described in this paragraph include any of the following:

(A) Monitoring the water quality and living resources of multi-State ocean and coastal ecosystems and coastal communities.

(B) Researching and addressing the effects of natural and human-induced environmental changes on—

(i) ocean and coastal ecosystems; and

(ii) coastal communities.

(C) Developing and executing cooperative strategies that—

(i) address regional data issues identified by the partnership; and

(ii) will result in more effective management of common ocean and coastal areas.

(g) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Administrator, in coordination with the Regional Ocean Partnerships designated under subsection (b), shall submit to Congress a report on the partnerships.

(2) REPORT REQUIREMENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of the overall status of the work of the Regional Ocean Partnerships designated under subsection (b).

(B) An assessment of the effectiveness of the partnerships in supporting regional priorities relating to the management of common ocean, coastal, and Great Lakes areas.

(C) An assessment of the effectiveness of the strategies that the partnerships are supporting and their implementation, with respect to which the priorities of the regions covered by the partnerships are being met through such strategies.

(D) An assessment of how the efforts of the partnerships support or enhance Federal and State efforts consistent with the purposes of this title.

(E) Such recommendations as the Administrator may have for improving—

(i) the efforts of the partnerships to support the purposes of this title; and

(ii) the collective strategies that support the purposes of this title in coordination with all relevant Federal and State entities and Indian Tribes.

(F) A distribution of funds from each partnership for each fiscal year covered by the report.

(h) AVAILABILITY OF FEDERAL FUNDS.—In addition to amounts made available to the Regional Ocean Partnerships designated under subsection (b) by the Administrator under this section, the head of any other Federal agency may provide grants to, enter into contracts with, or otherwise provide funding to such partnerships.

(i) AUTHORITY.—Nothing in this section extends any new or increased authority of any agency or any authority of the National Oceanic and Atmospheric Administration or of the Regional Ocean Partnerships designated under subsection (b).
SEC. 5401. SHORT TITLE.

This title may be cited as the “National Ocean Exploration Act.”

SEC. 5402. FINDINGS.

Congress makes the following findings:
(1) The health and resilience of the ocean are vital to the security and economy of the United States and to the lives of the people of the States.
(2) The United States depends on the ocean to regulate weather and climate, to sustain and protect the diversity of life, for maritime shipping, for national defense, and for food, energy, medicine, recreation, and other services essential to the people of the United States and all humankind.
(3) The prosperity, security, and well-being of the United States depend on successful understanding and stewardship of the ocean.
(4) Interdisciplinary cooperation and engagement, exploration, and the use of research institutions, nongovernmental organizations, States, Indian Tribes, and the private sector are essential for successful stewardship of the ocean and coastal environments, national economic growth, national security, and development of agile strategies that develop, promote, and use new technologies.
(5) The Ocean Science and Technology Council can help the people of the United States understand how to be effective stewards of the ocean and serve as catalysts and enablers for other sectors of the economy.
(6) Mapping, exploration, and characterization of the ocean provides basic, essential information to protect and restore the marine environment, support economic activity, and provide security for the United States.
(7) A robust national ocean exploration program engaging multiple Federal agencies, Indian Tribes, the private sector, nongovernmental organizations, and academia is—
(A) essential to the interests of the United States and vital to its security and economy and the health and well-being of all people of the United States; and
(B) critical to reestablish the United States at the forefront of global ocean exploration and stewardship.

SEC. 5403. DEFINITIONS.

In this title:
(1) CHARACTERIZATION.—The term “characterization” refers to activities that provide comprehensive interpretations for a specific area of interest of the seafloor, sub-bottom, water column, or hydrologic features, such as water masses and currents, in direct support of specific research, environmental protection, resource management, policymaking, or applied mission objectives.
(2) EXPLORATION.—The term “exploration” refers to activities that provide—
(A) a multidisciplinary view of an unknown or poorly understood area of the seafloor, sub-bottom, or water column; and
(B) initial assessment of the chemical, physical, geological, biological, archeological, or other characteristics of such an area.
(3) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 5304).
(4) MAPPING.—The term “mapping” refers to activities that provide comprehensive data and information needed to understand seafloor characteristics, such as depth, topography, sediments, composition and distribution, underlying geologic structure, and benthic flora and fauna.

SEC. 5404. NATIONAL OCEAN POLICY COMMITTEE.

(a) SUBCOMMITTEES.—Section 8932(c) of title 10, United States Code, is amended to read as follows:
(c) SUBCOMMITTEES.—(1) The Committee shall include—
(A) a subcommittee to be known as the “Ocean Sciences and Technology Subcommittee”; and
(B) a subcommittee to be known as the “Ocean Resource Management Subcommittee.”
(2) In discharging its responsibilities in support of agreed-upon scientific needs, and to assist in the responsibility described in subsection (b), the Committee may delegate responsibilities to the Ocean Science and Technology Subcommittee, the Ocean Resource Management Subcommittee, or another subcommittee of the Committee, as the Committee determines appropriate:
(2) ESTABLISHMENT OF DOCUMENT SYSTEM.—Section 8932(b) of title 10, United States Code, is amended—
(A) in paragraph (3), by striking “and” at the end; and
(B) in paragraph (4)(F), by striking the period at the end and inserting “; and”;
and (C) by adding at the end the following new paragraph:
(5) for projects under the purview of the Committee, establish or designate one or more systems for ocean-related and ocean-mapping related documents prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), in accordance with subsection (h).
(2) ELEMENTS.—Section 8932 of such title is amended—
(A) by redesignating subsection (h) as subsection (i);
(B) by inserting after subsection (g) the following new subsection (h):
(h) ELEMENTS OF DOCUMENT SYSTEM.—The systems established or designated under subsection (b)(5) may include the following:
(1) A publicly accessible, centralized digital archive of documents described in subsection (b)(5) that are finalized after the date of the enactment of the National Ocean Exploration Act, including—
(A) environmental impact statements; (B) environmental assessments; (C) records of decision; and
(D) other relevant documents as determined by the lead agency on a project.
(2) Geospatial data, if any, contained in the documents under paragraph (1).
(3) A mechanism to retrieve information through geo-information tools that can map and integrate relevant geospatial information, such as—
(A) Ocean Report Tools;
(B) the Environmental Studies Program Information System;
(C) Regional Ocean Partnerships; and
(D) the Integrated Ocean Observing System.

SEC. 5405. NATIONAL OCEAN MAPPING, EXPLORATION, AND CHARACTERIZATION COUNCIL.

(a) ESTABLISHMENT.—The President shall establish a council to be known as the “National Ocean Mapping, Exploration, and Characterization Council” (in this section referred to as the “Council”).
(b) PURPOSE.—The Council shall—
(1) update national priorities for ocean mapping, exploration, and characterization; and
(2) coordinate and facilitate activities to advance those priorities.
(c) REPORTING.—The Council shall report to the Ocean Science and Technology Subcommittee of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code.

SEC. 5406. MEMBERSHIP.—The Council shall be composed of senior-level representatives from the appropriate Federal agencies.

SEC. 5407. CO-CHAIRES.—The Council shall be co-chaired by—
(1) two senior-level representatives from the National Oceanic and Atmospheric Administration; and
(2) one senior-level representative from the Department of the Interior.

SEC. 5408. DUTIES.—The Council shall—
(1) set national ocean mapping, exploration, and characterization priorities and strategies;
(2) cultivate and facilitate transparent and sustained partnerships among Federal and non-Federal agencies, Indian Tribes, private industry, academia, and nongovernmental organizations to conduct ocean mapping, exploration, and characterization activities and related technology development;
(3) coordinate improved processes for data compilation, management, access, synthesis, and visualization with respect to ocean mapping, exploration, and characterization, with a focus on building on existing ocean data management systems and with appropriate safeguards on the public accessibility of data to protect national security equities, as appropriate;
(4) encourage education, workforce training, and public engagement activities that—
(A) support national priorities for ocean exploration and characterization activities and initiatives that contribute to ocean mapping, exploration, research, and characterization; and
(B) improve public engagement with and understanding of ocean science; and
(5) coordinate activities as appropriate with domestic and international ocean mapping, exploration, and characterization initiatives or programs; and
(6) establish and monitor metrics to track progress in achieving the priorities set under paragraph (1).

SEC. 5409. INTERAGENCY WORKING GROUP ON OCEAN EXPLORATION AND CHARACTERIZATION.—

(1) ESTABLISHMENT.—The President shall establish a new interagency working group to be known as the “Interagency Working Group on Ocean Exploration and Characterization”.
(2) MEMBERSHIP.—The Interagency Working Group on Ocean Exploration and Characterization shall be composed of senior representatives from Federal agencies with ocean exploration and characterization responsibilities.
(3) FUNCTIONS.—The Interagency Working Group on Ocean Exploration and Characterization shall—
(A) network the Council with the Ocean Science and Technology Subcommittee of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code, on ocean exploration and characterization activities and associated technology development across the Federal Government, State governments, Indian Tribes, private industry, nongovernmental organizations, and academia;
(B) ADVISORY.—The Council shall over—
(1) the Interagency Working Group on Ocean Exploration and Characterization established under subsection (g)(1); and
(1) PLAN.—In GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Council shall develop or update and submit to the appropriate committees of Congress a

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plan for an integrated cross-sectoral ocean mapping, exploration, and characterization initiative.

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) discuss the utility and benefits of ocean exploration and characterization;

(B) identify and describe national ocean mapping, exploration, and characterization priorities;

(C) identify and describe Federal and federally funded ocean mapping, exploration, and characterization accomplishments;

(D) facilitate and incorporate non-Federal input into national ocean mapping, exploration, and characterization priorities;

(E) coordinate ocean mapping, exploration, and characterization activities among programs described in subparagraph (C); and

(F) identify opportunities for combining overlapping or complementary national activities, and resources of Federal agencies and non-Federal organizations related to ocean mapping, exploration, and characterization while not reducing benefits from existing mapping, exploration, and characterization activities;

(G) promote new and existing partnerships among Federal and State agencies, Indian Tribes, private industry, academia, and non-governmental organizations to conduct or support ocean mapping, exploration, and characterization efforts in regions and activities aligned with priority development needs, including through coordination under section 3 of the Commercial Engagement through Ocean Technology Act of 2018 (33 U.S.C. 1162) and the National Oceanographic Partnership Program under section 8931 of title 10, United States Code;

(H) develop a transparent and sustained mechanism for non-Federal partnerships and stakeholder engagement in strategic planning and mission execution to be implemented not later than December 31, 2023;

(I) establish standardized collection and data management protocols, such as with respect to metadata, for ocean mapping, exploration, and characterization with appropriate safeguards on the public accessibility of data to protect national security equities;

(J) encourage the development, testing, demonstration, and adoption of innovative ocean mapping, exploration, and characterization technologies and applications;

(K) promote protocols for accepting data, equipment, or other resources that support national ocean mapping, exploration, and characterization priorities;

(L) identify best practices for the protection of human subjects during mapping, exploration, and characterization activities;

(M) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration and other appropriate Federal agencies to support a coordinated national ocean mapping, exploration, and characterization effort;

(N) identify and facilitate a centralized mechanism or office for coordinating data collection, compilation, processing, archiving, and dissemination activities relating to ocean mapping, exploration, and characterization that meets Federal mandates for data accuracy and accessibility;

(O) identify authorities responsible for archiving and managing ocean mapping, exploration, and characterization data;

(P) set forth a timetable and estimated costs for implementation and completion of the plan; and

(Q) to the extent practicable, align ocean exploration and characterization efforts with existing and future planning and identity key gaps and areas for improvement.

(R) identify criteria for determining the optimal frequency of observations.

(j) BRIEFINGS.—Not later than 1 year after the date of the enactment of this Act, and not less frequently than once every 2 years thereafter, the Council shall brief the appropriate committees of Congress on—

(1) progress made toward meeting the national priorities described in subsection (i)(2)(B); and

(2) recommendations for meeting such priorities, such as additional authorities that may be needed to develop a mechanism for non-Federal partnerships and stakeholder engagement identified in subparagraph (D).

(k) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

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

(2) the Committee on Science, Space, and Technology, and the Committee on Armed Services of the House of Representatives.

SEC. 5406. MODIFICATIONS TO THE OCEAN EXPLORATION PROGRAM OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) PURPOSE.—Section 12001 of the Omnibus Public Land Management Act of 2009 (33 U.S.C. 3401) is amended by striking "and the national" and inserting "the national undersea " and "undersea " and "and" and "and".

(b) PROGRAM ESTABLISHED.—Section 12002 of such Act (33 U.S.C. 3402) is amended—

(1) in the first sentence, by striking "and undersea " and inserting "and undersea " and "undersea ";

(2) in the second sentence, by striking "research and" and inserting "research and " and "and" and "and".

(c) FEDERAL AGENCIES.—Section 12003 of such Act (33 U.S.C. 3403) is amended by striking paragraph (5) and inserting the following:

(5) OUTREACH.—For the purpose of mapping, exploring, and characterizing the oceans or increasing the knowledge of the oceans, the Administrator may—

(A) accept voluntary donations of property, data, and equipment; and

(B) pay all necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest.

(d) DEFINITION OF EXCLUSIVE ECONOMIC ZONE.—Section 12003 of such Act (33 U.S.C. 3403) is amended by adding at the end the following:

"(j) EXCLUSIVE ECONOMIC ZONE.—In this section, the term ‘exclusive economic zone’ means the area established by Presidential Proclamation Number 5030, dated March 10, 1983 (16 U.S.C. 1453 note; relating to the exclusive economic zone of the United States of America.)."

(e) REPEAL OF OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE REINVESTMENT ACT.—Section 12004 of such Act (33 U.S.C. 3404) is amended by striking paragraph (3) and inserting the following:

(3) EDUCATION, WORKFORCE TRAINING, AND OUTREACH REQUIREMENTS.—In general, such Act is further amended by inserting after section 12003 the following new section 12004:

"SEC. 12004. EDUCATION, WORKFORCE TRAINING, AND OUTREACH REQUIREMENTS.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct education and outreach efforts in order to broadly disseminate information to the public on the discoveries made by the program under section 12002; and

(2) to the extent possible, coordinate the efforts described in paragraph (1) with the outreach strategies of other domestic or international ocean mapping, exploration, and characterization initiatives.

(b) EDUCATION AND OUTREACH EFFORTS.—Effects described in subsection (a)(1) may include—

(1) education of the general public, teachers, students, and ocean and coastal resource managers; and

(2) workforce training, reskilling, and opportunities to encourage development of ocean related science, technology, engineering, and mathematics (STEM) technical training programs involving secondary schools, community colleges, and universities, including Historically Black Colleges or Universities (within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1003)), Tribal colleges or universities (as defined in section 318(b) of such Act (20 U.S.C. 1059c(b))), and other minority-serving institutions (as described in section 371(a) of such Act (20 U.S.C. 1067(a))).

(c) OUTREACH STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Ocean Exploration Act, the Administrator of the National Oceanic and Atmospheric Administration shall develop an outreach strategy to broadly disseminate information on the discoveries made by the program under section 12002.

(d) CLERICAL AMENDMENT.—The table of contents in section 10 of such Act (33 U.S.C. 3403) is amended by
striking the item relating to section 12004 and inserting the following: "Sec. 12004. Education, workforce training, and outreach.

(1) OCEAN AND COASTAL MAPPING ADVISORY BOARD.—

(A) Establishment.—Section 12202(a)(1) of such Act (33 U.S.C. 3501(1)) is amended by inserting "and the National Ocean Mapping, Exploration, and Characterization Council established under section 5405 of the National Ocean Exploration Act" after "advice the Administrator".

(B) Technical Amendment.—Section 12205(c) of such Act (33 U.S.C. 3505(c)) is amended by inserting "this" before "part".

(C) Authorization of Appropriations.—Section 12207 of such Act (33 U.S.C. 3507) is amended by striking "this part" and all that follows and inserting "this part $60,000,000 for each of fiscal years 2023 through 2028".

(2) Definitions.—Such Act is further amended by inserting after section 12006 the following:

"Sec. 12007. Definitions.

"In this part:

"(1) CHARACTERIZATION.—The terms 'characterization', 'characterize', and 'characterizing' refer to activities that provide comprehensive interpretations for a specific area of interest of the seafloor, subbottom, water column, or hydrologic features, such as water masses and currents, in direct support of research, coastal research, environmental protection, resource management, policymaking, or applied mission objectives.

"(2) EXPLORATION.—The term 'exploration', 'exploring', and 'exploring' refer to activities that provide—

"(A) a multidisciplinary view of an unknown or poorly understood area of the seafloor, subbottom, or water column;

"(B) an initial assessment of the physical, chemical, geological, biological, archaeological, or other characteristics of such an area;

"(3) MAPPING.—The terms 'map' and 'mapping' refer to activities that provide comprehensive data and information needed to understand seafloor characteristics, such as depth, topography, bottom type, sediment composition and distribution, underlying geologic structure, and benthic flora and fauna.

(1) Clerical Amendment.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 33 U.S.C. 3121 et seq.) is repealed.

(b) Clerical Amendment.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991) is amended by striking the item relating to part II of subtitle A of title XII of such Act.

SEC. 5407. REPEAL.

(a) In General.—The NOAA Undersea Research Program Act of 2009 (part II of subtitle A of title XII of Public Law 111-11; 33 U.S.C. 3121 et seq.) is repealed.

(b) Clerical Amendment.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991) is amended by striking the item relating to part II of subtitle A of title XII of such Act.

SEC. 5408. MODIFICATIONS TO OCEAN AND COASTAL MAPPING PROGRAM OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) Establishment of Program.—

(1) In General.—Section 12202(a) of the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501(a)) is amended—

(A) by striking "establish a program to develop a coordinated, comprehensive, and coordinated and maintain a program to coordinate";

(B) by striking "plan" and inserting "efforts";

(C) by striking "that enhances" and all that follows and inserting "that—

"(1) enhances ecosystem approaches in decision-making for natural resource and habitat protection, restoration and conservation, emergency response, and capture and adapted and adaptive mechanisms;"

"(2) establishes research and mapping priorities;",

"(3) supports the siting and research and platform development and deployment;"

"(4) advances ocean and coastal science.".

(2) Membership.—Section 12202 of such Act (33 U.S.C. 3501) is amended by striking subsection (c) and redesignating subsection (b) as subsection (c).

(3) Program Parameters.—Subsection (b) of section 12202 of such Act (33 U.S.C. 3501), as redesignated by paragraph (2), is amended—

(A) in the matter preceding paragraph (1), by striking "developing" and inserting "maintaining";

(B) in paragraph (2), by inserting "and for leveraging existing Federal geospatial services capacities and contract vehicles for efficiencies after "coastal mapping";

(C) in paragraph (7), by striking "with coastal state and local government programs" and "with programs, in conjunction with Federal and State agencies, Tribal governments, private industry, academia, and nongovernmental organizations";

(D) in paragraph (8), by striking "of real-time data and the development and insertion "of tide data and water-level data and the development of a charting";

(E) in paragraph (9), by striking "; and" and inserting a semicolon;

(F) in paragraph (10), by striking the period at the end and inserting "; and";

(G) by adding at the end the following:

"(II) support—

(A) the Ocean Science and Technology Subcommittee of the Ocean Policy Council established under section 8932(c) of title 10, United States Code; and

(B) the National Ocean Mapping, Exploration, and Characterization Council established under section 5405 of the National Ocean Exploration Act;

(b) Interagency Working Group on Ocean and Coastal Mapping.—

(1) Name Change.—The Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.) is amended—

(A) in section 12202 (33 U.S.C. 3501)—

(i) in subsection (a), by striking "Interagency Council on Ocean and Coastal Mapping" and inserting "Interagency Working Group on Ocean and Coastal Mapping under section 12203";

(ii) in subsection (c), by redesignating subsection (a) as subsection (a)(1), by striking "committee" and inserting "working group";

(B) in section 12203 (33 U.S.C. 3502) (1) in the title,

(II) by striking "committee" and inserting "working group";

(ii) in subsection (b), by striking "committee" and inserting "working group";

(B) in section 12203 (33 U.S.C. 3502) (1) in the title,

(II) by striking "committee" and inserting "working group";

(ii) in subsection (b), by striking "committee" and inserting "working group";

(C) in subsection 12208 (33 U.S.C. 3507), by amending paragraph (3) to read as follows:

"(D) Working Group.—The term "Working Group" means the Interagency Working Group on Ocean and Coastal Mapping established under section 12203.".

(2) In General.—Section 12203(a) of such Act (33 U.S.C. 3502(a)) is amended by striking "within 30 days" and all that follows and inserting "not later than 30 days after the date of the enactment of the National Oceanic and Coastal Mapping Integration Act".

(b) Subordinate Groups.—Section 12203(d) of such Act (33 U.S.C. 3502(d)) is amended by striking the first sentence.

(c) Co-Chairs.—The Working Group shall be co-chaired by one representative from each of the following:

"(1) The National Oceanic and Atmospheric Administration;"

"(2) The Department of the Interior;"

"(3) Subordinate Groups.—Section 12203(d) of such Act (33 U.S.C. 3502(d)) is amended to read as follows:

"(1) Subordinate Groups. The co-chairs may establish such permanent or temporary subordinate groups as determined appropriate by the Working Group;"

(4) Amendments.—Section 8932(e) of such Act (33 U.S.C. 3502(e)) is amended by striking "each subcommittee and each working group" and inserting "each subordinate group".

(5) Coordination.—Section 12203(f) of such Act (33 U.S.C. 3502(f)) is amended by striking paragraphs (1) through (6) and inserting the following:

"(1) other Federal efforts;"

"(2) international mapping activities;"

"(3) coastal states;"

"(4) coastal Indian Tribes;"

"(5) data acquisition and user groups through workshops, partnerships, and other appropriate mechanisms; and"

"(6) representatives of nongovernmental entities;"

(d) Advisory Panel.—Section 12203 of such Act (33 U.S.C. 3502) is amended by striking subsection (e).

(e) Functions.—Section 12203 of such Act (33 U.S.C. 3502) is further amended by striking "and" and adding the end the following:

"(9) SUPPORT FUNCTIONS.—The Working Group shall support the National Ocean Mapping, Exploration, and Characterization Council established under section 5405 of the National Ocean Exploration Act and the Ocean Science and Technology Subcommittee of the Ocean Policy Council established under section 8932(c) of title 10, United States Code, on ocean mapping activities and associated technology development across the Federal Government, State governments, coastal Indian Tribes, private industry, nongovernmental organizations, and academia;"

(f) Clerical Amendment.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991) is amended by striking the item relating to section 12203 and inserting the following:

"Sec. 12203. Interagency working group on ocean and coastal mapping.

(b) Biennial Reports.—Section 12204 of the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3503) is amended—

(1) in the matter preceding paragraph (1), by striking "No later" and all that follows and inserting "Not later than 18 months after the date of the enactment of the National Ocean
Exploration Act, and biennially thereafter until 2040, the co-chairs of the Working Group, in coordination with the National Ocean Mapping, Exploration, and Characterization Act of 2000, and section 5405 of such Act, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources, the Senate, and the Committee on Natural Resources and the Committee on Science, Space, and Technology of the House of Representatives, a plan, including the data maintained by the National Centers for Environmental Information of the National Oceanic and Atmospheric Administration, and other related agencies.

(3) In paragraph (3), by inserting ‘‘; including the plan to map the coasts of the United States on a requirements-based cycle, with mapping agencies and partners coordinating on a unified approach that factors in recent related studies, meets multiple user requirements, and identifies gaps’’ after ‘‘accomplished’’.

(4) By striking paragraph (4) and redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

(5) In paragraph (4), as so redesignated, by striking ‘‘the national coastal and local government programs’’ and inserting ‘‘with international, coastal state, and local government programs and international, coastal state, and local government programs with joint or cooperative research initiatives, including cooperative or other agreements, number and type of project partners, benefit to the applicant, coordination with other funding opportunities, and benefit to the public’’.

(6) In paragraph (5), as so redesignated, by striking ‘‘; and’’ and inserting a semicolon.

(7) In paragraph (6), as redesignated by paragraph (4), by striking the period at the end and inserting a semicolon.

(8) By adding at the end the following: ‘‘(C) by striking ‘‘and provide foundational information and services required to support coastal resilience planning for coastal transformation models’’ after ‘‘efficiency’’; and’’.

(9) In paragraph (6), as so redesignated, by striking ‘‘; and’’ and inserting a semicolon.

(10) In paragraph (7), by striking ‘‘; and’’ and inserting a semicolon.

(c) In subsection (c), by striking ‘‘(c) NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.—’’.

(d) By striking subsections (a), (b), and (d); and

(e) By adding at the end the following: ‘‘(1) OCEAN AND COASTAL MAPPING FEDERAL FUNDING OPPORTUNITY.—The Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.) is amended—

(1) by redesigning sections 12206, 12207, and 12208 as 12209, 12210, and 12211, respectively; and

(2) by inserting after section 12205 the following: ‘‘SEC. 12206. OCEAN AND COASTAL MAPPING FEDERAL FUNDING OPPORTUNITY. ‘‘(a) IN GENERAL.—Not later than one year after the date of the enactment of the National Ocean Exploration Act, the Administrator shall develop an integrated ocean and coastal mapping Federal funding match opportunity, to be known as the ‘National Ocean Mapping Fund’ in memory of Rear Admiral Richard T. Brennan, within the National Oceanic and Atmospheric Administration with Federal, Tribal, non-profit, private industry, or academic partners in order to increase the coordinated acquisition, processing, stewardship, and archival of new and existing coastal mapping data in United States waters. ‘‘(b) RULES.—The Administrator shall develop administrative and procedural rules for the Ocean and Coastal Mapping Federal funding match opportunity developed under subsection (a), to include—

(1) specific and tailored criteria that must be addressed by an applicant, such as geographic overlap with pre-established priorities, number and type of project partners, benefit to the applicant, coordination with other funding opportunities, and benefit to the public;

(2) determination of the appropriate funding match amounts and mechanisms to use, such as grants, agreements, or contracts; and

(3) other funding award criteria as necessary or appropriate to ensure that evaluative criteria are relevant to award funding under this section are based on objective standards applied fairly and equitably to those proposals. ‘‘(c) GEOGRAPHICAL SERVICES AND CONTRACT VEHICLES.—The ocean and coastal mapping Federal funding match opportunity developed under subsection (a) shall leverage Federal expertise and capacities for geospatial services and Federal geospatial contract vehicles using the private sector for acquisition efficiencies. ‘‘SEC. 12207. MODIFICATIONS TO HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998. ‘‘(a) DEFINITIONS.—Section 302(4)(A) of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892(4)(A)) is amended by inserting ‘‘product or service produced or disseminated’’ after ‘‘hydrodynamic forecast and datum transformation models’’ after ‘‘nautical information databases.’’

(b) FUNCTIONS OF THE ADMINISTRATOR.—Section 306(b) of such Act (33 U.S.C. 892b(b)) is amended—

(1) in the matter preceding paragraph (1), by inserting ‘‘precision navigation, after ‘‘promote’’; and

(2) in paragraph (2)—

(A) by inserting ‘‘and hydrodynamic forecast models’’ after ‘‘monitoring systems’’;

(B) by inserting ‘‘and provide foundational information and services required to support coastal resilience planning for coastal transformation models, and related activities’’ after ‘‘efficiency’’; and

(C) by striking ‘‘; and’’ and inserting a semicolon.

(c) QUALITY ASSURANCE PROGRAM.—Section 304(a) of such Act (33 U.S.C. 892a(a)) is amended by striking ‘‘product produced’’ and inserting ‘‘product or service produced or disseminated’’.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 306(a) of such Act (33 U.S.C. 892h(a)) is amended by striking ‘‘$34,000,000 for each of fiscal years 2019 through 2023’’ and inserting ‘‘$34,000,000 for each of fiscal years 2021 through 2027’’.

(2) In paragraph (2), by striking ‘‘$25,000,000 for each of fiscal years 2019 through 2023’’ and inserting ‘‘$34,000,000 for each of fiscal years 2021 through 2027’’.

(3) In paragraph (3), by striking ‘‘$29,000,000 for each of fiscal years 2019 through 2023’’.
and inserting "$38,000,000 for each of fiscal years 2023 through 2028"; (4) in paragraph (4), by striking "$26,800,000 for each of fiscal years 2019 through 2023 and $30,564,000 for each of fiscal years 2023 through 2028"; and (5) in paragraph (5), by striking "$30,564,000 for each of fiscal years 2019 through 2023 and $33,900,000 for each of fiscal years 2023 through 2028".

TITLE LV—MARINE MAMMAL RESEARCH AND RESPONSE

SEC. 5501. SHORT TITLE.
This title may be cited as the "Marine Mammal Research and Response Act of 2022".

SEC. 5502. DATA COLLECTION AND DISSEMINATION
Section 402 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1452a) is amended—
(1) in subsection (b) 
(A) in paragraph (1)(A), by inserting "or entangled" after "stranded"; 
(B) in paragraph (3)— 
(i) by inserting "stranding," and inserting "and" after "stranding and"; 
(ii) by striking "marine mammals; and"; and 
(iii) by inserting "marine mammals and entangled marine mammals to allow comparison of the causes of illness and deaths in stranded and entangled marine mammals with physical, chemical, and biological environmental parameters; and"; and 
(C) in paragraph (4), by striking "analyses, that will allow comparison of the causes of illness and deaths in stranded marine mammals with physical, chemical, and biological environmental parameters." and inserting "analyses, that will allow comparison of the causes of illness and deaths in stranded marine mammals to allow comparison of the causes of illness and deaths in stranded marine mammals with physical, chemical, and biological environmental parameters; and"; and

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

"(c) INFORMATION REQUIRED TO BE SUBMITTED AND COLLECTED.—
"(1) IN GENERAL.—After each response to a stranding or entanglement event, the Secretary shall collect (including from any staff of the National Oceanic and Atmospheric Administration that respond directly to such an event), and shall require each stranding network participant who responds to that stranding or entanglement to submit to the Administrator of the National Oceanic and Atmospheric Administration or the Director of the United States Fish and Wildlife Service 
"(A) data on the stranding event, including NOAA Form 89–865 (OMB No. 0648–0178), NOAA Form 89–878 (OMB No. 0648–0178), similar success forms, or similar information in an appropriate format required by the United States Fish and Wildlife Service for species under its management authority; 
"(B) supplemental data to the data described in subparagraph (A), which may include, as available, relevant information about 
"(i) weather and tide conditions; 
"(ii) offshore human, predator, or prey activity; 
"(iii) morphometrics; 
"(iv) behavior; 
"(v) health assessments; 
"(vi) life history samples; or 
"(vii) samples of stomach and intestinal contents; and 
"(C) data and results from laboratory analysis of tissues, which may include, as appropriate and available— 
"(i) histopathology; 
"(ii) toxicology; 
"(iii) microbiology 
"(iv) virology; or 
"(v) comparison of the presence and sequence of virus.

(2) TIMELINE.—A stranding network participant shall submit—
"(A) the data described in paragraph (1)(A) not later than 30 days after the date of a response to a stranding or entanglement event; 
"(B) the compiled data described in paragraph (1)(B) not later than 30 days after the date on which the data is available to the stranding network participant; and 
"(C) the compiled data described in paragraph (1)(C) not later than 30 days after the date on which the laboratory analysis has been reported to the stranding network participant.

(D) ONLINE DATA INPUT SYSTEM.—The Secretary, acting through the Under Secretary of Commerce for Oceans and Atmosphere, in consultation with the stranding network and the Office of Evaluation Sciences of the General Services Administration, shall establish an online system for the purposes of efficient and timely submission of data described in paragraph (1).

"(d) AVAILABILITY OF DATA.—
"(1) IN GENERAL.—The Secretary shall develop a program to make information, including any data and metadata collected under paragraphs (3) or (4) of subsection (b) or subsection (c), available to researchers, stranding network participants, and the public.

"(A) to improve real-time coordination of stranded and entangled events across geographic areas and between stranding coordinators; 
"(B) to identify and quickly disseminate information regarding potential public health risks; 
"(C) to facilitate integrated interdisciplinary research; 
"(D) to facilitate peer-reviewed publications; 
"(E) to archive regional data into a national database for future analyses; and 
"(F) for education and outreach activities. 

(2) AVAILABILITY.—The Secretary shall ensure that any data or metadata collected under subsection (c)— 
"(A) by staff of the National Oceanic and Atmospheric Administration or the United States Fish and Wildlife Service that responded directly to a stranding or entanglement event is available to the public through the Health MAP and the Observation System not later than 30 days after that data or metadata is collected, by available to, or reported to the Secretary; and 
"(B) by a stranding network participant that responded directly to a stranding or entanglement event is made available to the public through the Health MAP and the Observation System not later than 30 days after that data or metadata is submitted to the Secretary under subsection (c).

(3) ONLINE DATA INPUT SYSTEM.—The Written Release—Notwithstanding paragraph (2)(B), the Secretary may make data described in paragraph (2)(B) publicly available earlier than 2 years after the date on which that data is submitted to the Secretary under subsection (c), if the stranding network participant has completed a written certification that such data may be made publicly available.

(B) LAW ENFORCEMENT.—Notwithstanding paragraph (2), the Secretary may withhold data until longer period than the period of time described in paragraph (2) in the event of a law enforcement action or legal action that may be related to that data.

(5) MANAGEMENT POLICY.—In collaboration with the regional stranding networks, the Secretary shall develop, and periodically update, a data management and public outreach policy for stranding or entanglement events.

(6) AUTHORITY AGREEMENTS AND ACKNOWLEDGMENT POLICY.—The Secretary, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall include authorship agreements or other acknowledgment considerations under data by the public, as determined by the Secretary.

(7) SAVINGS CLAUSE.—The Secretary shall not require submission of research data that is not described in subsection (c)."

SEC. 5503. STRANDING OR ENTANGLEMENT RESPONSE AGREEMENTS.
(a) IN GENERAL.—Section 403 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1452d) is amended—
(1) in the section heading by inserting "OR ENTANGLEMENT" before "RESPONSE"; 
(2) in subsection (a), by striking the period at the end and inserting "or entanglement"; and 
(3) in subsection (b)— 
(A) in paragraph (1), by striking "and" after the semicolon; 
(B) in paragraph (2), by striking the period at the end and inserting "; and"; and 
(C) by adding at the end following:

"(3) include a description of the data management and public outreach policy established under section 402(f)."

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92–522; 86 Stat. 1027) is amended by striking the item related to section 403 and inserting the following:

"Sec. 403. Stranding or entanglement response agreements."

SEC. 5504. UNUSUAL MORTALITY EVENT ACTIVITIES.
Section 405 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1452d) is amended—
(1) by striking subsection (b) and inserting the following:

"(b) USES.—Amounts in the Fund—

"(1) shall be available only for use by the Secretary, in consultation with the Secretary of the Interior, and dispersed among claimants based on budgets approved by the Secretary prior to expenditure; 
"(A) to make advance, partial, or progress payments under contracts or other funding mechanisms for property, supplies, salaries, services, and travel costs incurred in acting in accordance with the contingency plan adopted under section 404(b) or under the direction of an Onsite Coordinator for an unusual mortality event designated under section 404(a)(2)(B)(iii); 
"(B) for reimbursing any stranding network participant for costs incurred in the collection, preparation, analysis, and transportation of marine mammal tissues and samples collected with respect to an unusual mortality event for the Tissue Bank; and 
"(C) for the care and maintenance of a marine mammal seized under section 106(c)(2)(A).

(2) shall remain available until expended."; and 

(2) in subsection (c)—

(I) in paragraph (2), by striking "and" at the end; 

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

(C) by striking "not more than $250,000 per year, as determined by the Secretary of Commerce, from sums collected as fines, penalties, or other civil or criminal remedies for violations of any provision of this Act; and
“(5) sums received from emergency declaration grants for marine mammal conservation.”

SEC. 5505. LIABILITY.

Section 406(b) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f–1) is amended—

(1) by inserting “or entanglement” after “to a stranding”; and

(2) by striking “government” and inserting “Government.”

SEC. 5506. NATIONAL MARINE MAMMAL TISSUE BANK AND TISSUE ANALYSIS.

Section 407 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f–1) is amended—

(1) in subsection (c)(2)(A), by striking “the health of marine mammals and” and inserting “marine mammal health and mortality and the health of”; and

(2) in subsection (d), in the matter preceding paragraph (1), by inserting “public before access.”

SEC. 5507. MARINE MAMMAL RESCUE AND RESPONSE GRANT PROGRAM AND RAPID RESPONSE FUND.

(a) IN GENERAL.—Section 408 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f–1) is amended—

(1) by striking the section heading and inserting “MARINE MAMMAL RESCUE AND RESPONSE GRANT PROGRAM AND RAPID RESPONSE FUND”; (2) by striking subsections (a) through (d) paragraphs (h) through (h); and

(b) by redesignating subsection (e) as subsection (f); and

(c) by redesigning paragraph (f) as designated by paragraph (h), the following:

“(a) Definitions.—In this section:

(1) Emergency assistance.—The term ‘emergency assistance’ means—

(i) financial assistance provided to respond to, or that results from, a stranding event or entanglement event that—

(II) is cyclical or endemic; or

(III) involves a marine mammal that is out of the normal range for that marine mammal; or

(ii) financial assistance provided to respond to, or that results from, a stranding event or entanglement event that—

(1) the applicable Secretary considers to be an emergency; or

(2) with the concurrence of the applicable Secretary, a State, territorial, or Tribal government considers to be an emergency.

(b) Exclusions.—The term ‘emergency assistance’ does not include financial assistance to respond to an unusual mortality event.

(c) Secretary.—The term “Secretary” has the meaning given that term in section 3(12)(A).

(d) Stranding Region.—The term ‘stranding region’ means a geographic region designated by the applicable Secretary for purposes of this program.

(b) John H. Prescott Marine Mammal Rescue and Response Grant Program.—

(1) IN GENERAL.—Subject to the availability of funds, the applicable Secretary shall carry out a grant program, to be known as the John H. Prescott Marine Mammal Rescue and Response Grant Program (referred to in this section as the “grant program”), to award grants to eligible stranding network participants or stranding network collaborators, as described in the next paragraph of this title.

(2) PURPOSES.—The purposes of the grant program are to provide for—

(A) the recovery, care, or treatment of sick, injured, or entangled marine mammals;

(B) responses to marine mammal stranding events that require emergency assistance;

(C) the collection of data and samples from living or dead stranded marine mammals for scientific research or assessments regarding marine mammal health;

(D) facility operating costs that are directly related to activities described in subparagraph (A), (B), or (C); and

(E) developing the network capacity, including training for emergency response, where facilities do not exist or are sparse.

(3) CONTRACT, GRANT, AND COOPERATIVE AGREEMENT AUTHORITY.—

(A) IN GENERAL.—The applicable Secretary may enter into a contract, grant, or cooperative agreement with any eligible stranding network participant or stranding network collaborator, as the Secretary determines to be appropriate, for the purposes described in paragraph (2).

(B) EMERGENCY AWARD FLEXIBILITY.—Following a request for emergency award flexibility, the applicable Secretary shall—

(i) amend any contract, grant, or cooperative agreement entered into under this paragraph, including provisions concerning the period of performance; or

(ii) waive the requirements under subsection (f) for grant applications submitted during the provision of emergency assistance.

(4) EQUITABLE DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—The applicable Secretary shall ensure, to the extent practicable, that funds awarded under the grant program are distributed equitably among the stranding regions.

(B) CONSIDERATIONS.—In determining priorities among the stranding regions under this paragraph, the Secretary may consider—

(i) equitable distribution within the stranding regions, including the sub regions (including, but not limited to, the Gulf of Mexico):

(II) any episodic stranding, entanglement, or mortality events, except for unusual mortality events, that have occurred in any stranding region in the preceding year;

(III) any data with respect to average annual stranding, entanglement, and mortality events per stranding region;

(iv) the size of the marine mammal populations inhabiting a stranding region;

(v) the importance of the region’s marine mammal populations to the well-being of indigenous communities; and

(vi) the conservation of protected, depleted, threatened, or endangered marine mammal species.

(5) STRANDINGS.—For the purposes of this program, priority is to be given to applications focusing on marine mammal strandings.

(6) APPLICATION.—To be eligible for a grant under the grant program, a stranding network participant shall—

(A) submit an application in such form and manner as the applicable Secretary prescribes; and

(B) be in compliance with the data reporting requirements under section 402(d) and any applicable reporting requirements of the United States Fish and Wildlife Service for species jurisdictional to the fiscal year, and be requests without any further approval or administrative action.

(b) Josefa E. Geraci Marine Mammal Rescue and Rapid Response Fund.—There is authorized to be appropriated to the Rapid Response Fund $500,000 for each of fiscal years 2023 through 2028, to remain available until expended, of which for each fiscal year—

(i) $6,000,000 shall be made available to the Secretary of Commerce; and

(ii) $1,000,000 shall be made available to the Secretary of the Interior.

(b) Derivation of Funds.—Funds to carry out the activities under this section shall be derived from amounts authorized to be appropriated pursuant to subparagraph (A) that are enacted after the date of enactment of the Marine Mammal Research and Response Act of 2022.

(b) Josefa E. Geraci Marine Mammal Rescue and Rapid Response Fund.—There is authorized to be appropriated to the Rapid Response Fund $500,000 for each of fiscal years 2023 through 2028.

(b) Acceptance of Donations.—For the purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests without any further approval or administrative action.

(c) General Provisions.—Section 408 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f–1), as amended by subsection (a), is further amended in subsection (f), as redesignated by subsection (a)(3)—

(1) in paragraph (1)—

(A) by striking “the costs of an activity conducted with a grant under this section shall be eligible for a grant under this section” and inserting “such costs and inserting a such project conducted with funds awarded under the grant program under this section shall be less than” and;

(B) by striking “such costs” and inserting “such project”;

(2) in paragraph (2)—

(A) Maximum Grant Amount.—No grant may exceed $150,000 in any 12-month period.

(B) Unexpended Funds.—Any funds that have been awarded under the grant program but that are unexpended at the end of the 12-month period described in subparagraph (A) shall remain available until expended.

(C) Administrative Costs and Expenses.—The Secretary’s administrative costs and expenses related to reviewing and awarding grants under the grant program, in any fiscal year may not exceed the greater of—

(A) 6 percent of the amounts made available each fiscal year to carry out the grant program; and

(B) $80,000.

(D) Transparency.—The Secretary shall make publicly available a list of grant proposals for the upcoming fiscal year, funded grants, and requests for grant flexibility under this subsection.

(E) Authorization of Appropriations.—There is authorized to be appropriated to the Rapid Response Fund $500,000 for each of fiscal years 2023 through 2028, to remain available until expended, of which for each fiscal year—

(i) $6,000,000 shall be made available to the Secretary of Commerce; and

(ii) $1,000,000 shall be made available to the Secretary of the Interior.
(A) by striking “an activity” and inserting “a project”;
(B) by striking “the activity” and inserting “the project”;
(c) Table of Contents Amendment.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92–522; 86 Stat. 1027) (as amended by section 5507(b)) is amended by striking the item related to section 408 and inserting the following:—

Sec. 408. Marine Mammal Rescue and Response Grant Program and Rapid Response Fund.

SEC. 5508. HEALTH MAP.

(a) In General.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421 et seq.) is amended by inserting after section 408 the following:—

SEC. 408A. MARINE MAMMAL HEALTH MONITORING AND ANALYSIS PLATFORM (HEALTH MAP).

(1) In General.—Not later than 1 year after the date of enactment of the Marine Mammal Research and Response Act of 2022, the Secretary, acting through the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Secretary of the Interior and the Marine Mammal Commission, shall—

(A) establish a marine mammal health monitoring and analysis platform (referred to in this Act as the ‘‘Health MAP’’).

(B) incorporate the Health MAP into the Observation System; and

(C) make the Health MAP—

(i) publicly accessible through the web portal of the Observation System; and

(ii) interoperable with other national data systems or other data systems for management or research purposes, as practical.

(2) Purposes.—The purposes of the Health Map are—

(A) to promote—

(i) interdisciplinary research among individuals with knowledge and experience in marine mammal science, marine mammal veterinary and husbandry practices, medical science, and oceanography, and with other marine scientists;

(ii) timely and sustained dissemination and available data on marine mammal health, stranding, entanglement, and mortality data;

(iii) identification of spatial and temporal patterns of marine mammal mortality, disease, and stranding;

(iv) evaluation of marine mammal health in terms of mortality, as well as sublethal marine mammal health impacts;

(v) improved collaboration and forecasting of marine mammal and larger ecosystem health events;

(vi) rapid communication and dissemination of information regarding marine mammal strandings that may have implications for human health, such as those caused by harmful algal blooms; and

(vii) increased accessibility of data in a user friendly visual interface for public education and outreach; and

(B) to constitute the marine mammal health condition index that incorporates marine mammal health data.

(c) REQUIREMENTS.—The Health MAP shall—

(1) integrate in situ, remote, and other marine mammal health, stranding, and mortality data, including visualizations and metadata from marine mammal stranding networks, Federal, State, local, and Tribal governments, private partners, and academia; and

(2) describe—

(A) to enhance data and information availability, including data sharing among stranding network participants, scientists, and the public within and across stranding network regions;

(B) to facilitate data and information access across scientific disciplines, scientists, and managers;

(C) to facilitate public access to national and region-specific marine mammal, stranding, entanglement, and mortality data, including visualizations and metadata, through the national and regional data portals of the Observation System; and

(D) to incorporate data with input from, States and stranding network participants.

(d) Procedural and Guidelines.—The Secretary shall establish and implement policies, protocols, and standards for—

(1) reporting marine mammal health data collected by stranding networks consistent with subsections (c) and (d) of section 402;

(2) promptly transmitting health data from the stranding networks and other appropriate data providers to the Health MAP;

(3) disseminating and making publicly available data on marine mammal health, stranding, entanglement, and mortality data in a timely and consistent manner;

(4) integrating additional marine mammal health, stranding, or other relevant data as the Secretary determines appropriate;

(e) Consultation.—The Administrator of the National Oceanic and Atmospheric Administration shall maintain and update the Health MAP in consultation with the Secretary of the Interior and the Marine Mammal Commission.

(f) CONTRIBUTIONS.—For purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests without any further approval or administrative action.

(g) DATA GAP ANALYSIS.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92–522; 86 Stat. 1027) (as amended by section 5507(b)) is amended by inserting after the item related to section 408 the following:

Sec. 408A. Marine Mammal Health Monitoring and Analysis Platform (Health Map).

SEC. 5509. REPORTS TO CONGRESS.

(a) In General.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421 et seq.) (as amended by section 5508(a)) is amended by inserting after section 408A the following:

SEC. 408B. REPORTS TO CONGRESS.

(1) In General.—Not later than 1 year after the date on which the report required under section (b) is submitted, and every 10 years thereafter, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Marine Mammal Commission and the Director of the United States Fish and Wildlife Service, shall—

(A) make publicly available a report on the data gap analysis described in paragraph (2); and

(B) provide a briefing to the appropriate committees of Congress concerning that data gap analysis.

(2) REQUIREMENTS.—The data gap analysis under paragraph (1) shall include—

(A) an overview of existing participants within the stranding network;

(B) an identification of coverage needs and participant gaps within a network;

(C) an identification of data and reporting gaps from members of a network; and

(D) an analysis of how stranding and health data are shared and made available to scientists, academics, State, local, and Tribal governments, and the public.

(b) DATA GAP ANALYSIS.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92–522; 86 Stat. 1027) (as amended by section 5507(b)) is amended by inserting after the item related to section 408A the following:

Sec. 408A. Marine Mammal Health Monitoring and Analysis Platform (Health Map).

SEC. 5508. REPORTS TO CONGRESS.

(a) In General.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 14556(a)) is amended by inserting after section 408A the following:

SEC. 408B. REPORTS TO CONGRESS.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ‘‘appropriate committees of Congress’’ means—

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

(2) the Committee on Environment and Public Works;

(3) the Committee on Natural Resources of the House of Representatives; and

(4) the Committee on Science, Space, and Technology of the House of Representatives.

(b) HEALTH MAP STATUS REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Marine Mammal Research and Response Act of 2022, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Marine Mammal Commission, and the National Ocean Research Leadership Council, shall submit to the appropriate committees of Congress a report describing the status of the United States' capability to detect, manage, respond to, and mitigate events and changes that may impact marine mammal or human health and specific examples of proven or potential uses of Observing System data for detecting, mitigating, and responding to those events and changes.

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

(A) a detailed evaluation of the data made public by the Marine Mammal Health Information System; and

(B) a detailed list of any gaps in data collected pursuant to the Health Map, a description of the reasons for those gaps, and recommended actions to close those gaps;

(C) an analysis of the effectiveness of using the website of the Observation System and Health MAP; and

(D) a list of publications, presentations, or other relevant work product resulting from, or produced in collaboration with, the Health Map;

(E) a description of emerging marine mammal health concerns and the applicability of those concerns to human health;

(F) an analysis of the feasibility of the Observing System to detect and manage an alert system during stranding events, entanglement events, and unusual mortality events for the stranding network. Observation System data for detecting, responding to, and supporting the Marine Mammal Commission, and the Director of the United States Fish and Wildlife Service;

(G) an evaluation of the use of Health Map data to predict broader ecosystem events and changes that may impact marine mammal or human health.

(iv) the funding levels needed to maintain and improve the Health Map.

(c) DATA GAP ANALYSIS.—

(1) IN GENERAL.—Not later than 5 years after the date on which the report required under subsection (b) is submitted, and every 10 years thereafter, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Marine Mammal Commission and the Director of the United States Fish and Wildlife Service, shall—

(A) make publicly available a report on the data gap analysis described in paragraph (2); and

(B) provide a briefing to the appropriate committees of Congress concerning that data gap analysis.

(2) REQUIREMENTS.—The data gap analysis under paragraph (1) shall include—

(A) an overview of existing participants within the stranding network;

(B) an identification of coverage needs and participant gaps within a network;

(C) an identification of data and reporting gaps from members of a network; and

(D) an analysis of how stranding and health data are shared and made available to scientists, academics, State, local, and Tribal governments, and the public.

(3) REVIEW OF REPORT AND RECOMMENDATIONS.—The Secretary of the Interior, the Marine Mammal Commission, the Director of the United States Fish and Wildlife Service, and the Director of the United States Geological Survey, in consultation with the Marine Mammal Commission shall—

(A) make publicly available a report describing the response capabilities for sick and injured marine mammals in the Arctic regions of the United States; and

(B) provide a briefing to the appropriate committees of Congress on that report.

(4) ARCTIC.—The term ‘‘Arctic’’ has the meaning given the term of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).
“(3) REQUIREMENTS.—The report under paragraph (1) shall include—

“(A) a description, developed in consultation with the Fish and Wildlife Service of the Department of the Interior, of all marine mammal stranding agreements in place for the Arctic region of the United States, including species covered, response capabilities, equipment, and data collection and analysis capabilities;

“(B) a list of State and local government agencies that have personnel trained to respond to stranding of the Interior, of all marine mammals in the Arctic region of the United States;

“(C) an assessment of potential response and data collection partners and sources of local personnel training, including Alaska Native people and villages;

“(D) an analysis of spatial and temporal trends in marine mammal strandings and unusual mortality events that are correlated with changing environmental conditions in the Arctic region of the United States;

“(E) a description of training and other resource needs to meet emerging response requirements in the Arctic region of the United States;

“(F) an analysis of oiled marine mammal response coordination capabilities in the Arctic region of the United States, including personnel, equipment, facilities, training, and husbandry capabilities, and an assessment of factors that affect response and rehabilitation success rates; and

“(G) recommendations to address future stranding resource needs for marine mammals in the Arctic region of the United States.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for the first section of the Marine Mammal Protection Act of 1972 (Public Law 92–522; 86 Stat. 1027) (as amended by section 508(b)) is amended by inserting after the item related to section 488A the following:

“Sec. 488B. Reports to Congress.

SEC. 5510. AUTHORIZATION OF APPROPRIATIONS.

Section 409 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421g) is amended—

(1) in paragraph (1), by striking “1993 and 1994;” and inserting “2023 through 2028;”;

(2) in paragraph (2), by striking “1993 and 1994;” and inserting “2023 through 2028;”;

(3) in paragraph (3), by striking “fiscal year 1993,” and inserting “for each of fiscal years 2023 through 2028.”.

SEC. 5511. DEFINITIONS.

Section 401 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421h) is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (2), (5), (6), (7), (8), and (9), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

“(1) the term ‘entanglement’ or ‘entanglement’ means an event in the wild in which a living or dead marine mammal has gear, rope, line, net, or other material wrapped around or attached to its normal and is—

“(A) on lands under the jurisdiction of the United States, including beaches and shoreline; or

“(B) in waters under the jurisdiction of the United States, including any navigable waters;”;

(3) in paragraph (2) (as so redesignated) by striking “The term ‘Health MAP’ means the Marine Mammal Health Monitoring and Analysis Platform established under section 488A(a)(1).”;

(4) by inserting after paragraph (2) (as so redesignated) the following:

“(3) the term ‘Observation System’ means the National Integrated Coastal and Ocean Observation System established under section 12304 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603).”.

SEC. 5512. STUDY ON MARINE MAMMAL MORTALITY.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary of Commerce for Oceans and Atmosphere, in consultation with the Secretary of the Interior and the Marine Mammal Commission, conduct a study evaluating the connections among marine heat waves, harmful algal blooms, prey availability, and habitat degradation, and the impacts of these conditions on marine mammal mortality.

(b) REPORT.—The Undersecretary of Commerce for Oceans and Atmosphere, in consultation with the Secretary of the Interior and the Marine Mammal Commission, shall submit to a publicly available website, and brief the appropriate committees of Congress on, a report containing the results of the study described in subsection (a). The report shall include priority research activities, opportunities for collaboration, and current gaps in effort and resource limitations related to advancing scientific understanding; harmful algae blooms, availability of prey, and habitat degradation impact marine mammal mortality. The report shall include recommendations developed in consultation with the Marine Mammal Commission, conduct a study evaluating the connections among marine heat waves, harmful algal blooms, prey availability, and habitat degradation, and the impacts of these conditions on marine mammal mortality.

(2) REQUIREMENTS.—The Secretary of Commerce shall submit to the Senate annual cost estimates for modernization activities and support of the System for the National Oceanic and Atmospheric Administration.

(III) UPDATE.—

“(I) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COST ESTIMATES.—The Secretary of Commerce shall submit to the Secretary annual cost estimates for modernization activities and support of the System for the National Oceanic and Atmospheric Administration.

“(II) UPDATE OF MANAGEMENT PLAN.—The Secretary shall update the management plan submitted under clause (i) to include the Secretary annual cost estimates submitted under subclause (I).”;

(2) by adding at the end the following:

“(E) COLLABORATION.—The Secretary of Commerce shall collaborate with the Secretary to implement activities carried out under this section related to the expertise of the National Oceanic and Atmospheric Administration, including observations and modeling of emissions of gases, aerosols, and ash, atmospheric dynamics and chemistry, and ocean chemistry resulting from volcanic eruptions.

(e) FUNDING.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

“(A) in the paragraph heading, by inserting ‘‘UNITED STATES GEOLOGICAL SURVEY’’ after ‘‘APPROPRIATIONS’’; and

“(B) by inserting ‘‘to the United States Geological Survey’’ after ‘‘appropriated’’;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

“(2) AUTHORIZATION OF APPROPRIATIONS, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COST ESTIMATES.—There is authorized to be appropriated to the National Oceanic and Atmospheric Administration, including observations and modeling of emissions of gases, aerosols, and ash, atmospheric dynamics and chemistry, and ocean chemistry resulting from volcanic eruptions.

(f) IMPLEMENTATION PLAN.—

(1) DEVELOPMENT OF.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of the Interior, shall develop a plan to implement the amendments made by this Act during the 5-year period beginning on the date on which the plan is developed.

(2) ELEMENTS.—The plan developed under paragraph (1) shall include an estimate of the cost and schedule required for the implementation described in such paragraph.

(3) PUBLIC AVAILABILITY.—Upon completion of the plan developed under paragraph (1), the Secretary of Commerce shall make the plan publicly available.
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October 11, 2022

TITLE LVII—WILDFIRE AND FIRE WEATHER PREPAREDNESS
SEC. 5701. SHORT TITLE.
This title may be cited as the “Fire Ready Nation Act of 2023”.
SEC. 5702. DEFINITIONS.
In this title:
(1) ADMINISTRATION.—The term “Administration” means the National Oceanic and Atmospheric Administration.
(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—
(A) the Committee on Commerce, Science, and Transportation of the Senate; and
(B) the Committee on Science, Space, and Technology of the House of Representatives.
(3) EARTH SYSTEM.—The term “Earth system” means a mathematical model containing all relevant components of the Earth, namely the atmosphere, oceans, land, cryosphere, and biosphere.
(4) FIRE ENVIRONMENT.—The term “fire environment” means—
(A) the environmental conditions, such as soil moisture, vegetation, topography, snowpack, atmospheric temperature, moisture, and wind, that influence—
(i) fuel and fire behavior; and
(ii) smoke dispersion and transport; and
(B) the associated environmental impacts occurring downstream of fires.
(5) FIRE WEATHER.—The term “fire weather” means the weather conditions that influence the start, spread, character, or behavior of wildfires or fires at the wildland-urban interface and relevant meteorological and chemical phenomena, including air quality, smoke, and meteorological parameters such as relative humidity, air temperature, wind speed and direction, and atmospheric composition and chemistry, including emissions and mixing heights.
(6) IMPACT-BASED DECISION SUPPORT SERVICES.—The term “impact-based decision support services” means forecast advice and interpretative services the Administration provides to help core partners, such as emergency personnel and public safety officials, make decisions when weather, water, and climate impact the lives and livelihoods of the people of the United States.
(7) SEASONAL.—The term “seasonal” has the meaning given that term in section 2 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8511), shall be—
(A) includes variables associated with the fire weather, wildfire, smoke, and air quality over the nation, including those that—
(i) influence fire behavior, weather, and air quality, and
(ii) contribute to understanding of the impacts of fire weather on human development and the environment; and
(B) include variables associated with fire weather, wildfire, smoke, and air quality, debris flows, mudslides, and flooding.
(8) SECRETARY.—The term “Secretary” means the Secretary of Commerce.
(9) SMOKE.—The term “smoke” means emissions, impacts, impacts to the landscape and particles released into the air as a result of combustion.
(10) STATE.—The term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United State Virgin Islands, the Commonwealth of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.
(11) SUBSEASONAL.—The term “subseasonal” has the meaning given that term in section 2 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8511).
(12) TRIBAL GOVERNMENT.—The term “Tribal government” means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).
(13) UNDER SECRETARY.—The term “Under Secretary” means the Under Secretary of Commerce for Oceans and Atmosphere.
(14) WEATHER ENTERPRISE.—The term “weather enterprise” has the meaning given that term in section 2 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8511).
(15) WILDLAND-URBAN INTERFACE.—The term “wildland-urban interface” means any non-structure fire that occurs in vegetation or natural fuels, originating from an un-planned ignition.
(16) WILDLAND-URBAN INTERFACE.—The term “wildland-urban interface” means the area, zone, or region of transition between unoccupied or undeveloped land and human development where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.
SEC. 5702. ESTABLISHMENT OF FIRE WEATHER SERVICES PROGRAM.
(a) IN GENERAL.—The Under Secretary shall establish and maintain a coordinated fire weather services program among the offices of the Administration in existence as of the date of the enactment of this Act and designated by the Under Secretary.
(b) PROGRAM FUNCTIONS.—The functions of the program established under subsection (a), consistent with the priorities described in section 101 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8511), shall be—
(1) to support readiness, responsiveness, understanding, and overall resilience of the United States to wildfires, fire weather, smoke, and other associated conditions, hazards, and impacts, as applicable, with Federal land management agencies; and
(2) to partner with and support the public, Federal, State, and Tribal governments, and academic and local partners through the development of capabilities, impact-based decision support products and guidance to enhance the start, spread, character, or behavior of wildfires, fire weather, fires, and impacts, hazards, and impacts in built and natural environments and at the wildland-urban interface;
(3) to collaboratively develop and disseminate accurate, precise, effective, and timely risk communications, forecasts, watches, and warnings relating to wildfires, fire weather, smoke, and other associated conditions, hazards, and impacts, as applicable, with Federal land management agencies; and
(4) to conduct research and development of new and innovative models, tools, technologies, products, and services that are analysis- and decision-ready.
(c) PROGRAM PRIORITIES.—In developing and implementing the program established under subsection (a), the Under Secretary may—
(1) conduct relevant physical and social science research activities in support of the functions described in subsection (b) and the priorities described in subsection (c); and
(2) conduct relevant activities, in coordination with Federal land management agencies and Federal science agencies, to assess fuel conditions, wildfire risk levels and outlooks, and other parameters used to determine fire risk levels and outlooks.
(d) PROGRAM ACTIVITIES.—In developing and implementing the program established under subsection (a), the Under Secretary may—
(1) conduct relevant physical and social science research activities in support of the functions described in subsection (b) and the programs described in subsection (c); and
(2) conduct relevant activities, in coordination with Federal land management agencies and Federal science agencies, to assess fuel conditions, wildfire risk levels and outlooks, and other parameters used to determine fire risk levels and outlooks.
(3) support and conduct research that assesses impacts to marine, riverine, and other relevant ecosystems, which may include forest and rangeland ecosystems, resulting from associations activities associated with mitigation of and response to wildfires;
(4) support and conduct attribution science research relating to wildfires, fire weather, fire risk, smoke, and associated conditions, risks, and impacts;
(5) develop smoke and air quality forecasts, forecast guidance, and prescribed burn weather forecasts, and conduct research on the impact of such forecasts on response behavior that minimizes health-related impacts from smoke exposure;
(6) use, in coordination with Federal land management agencies and Federal science agencies, wildfire fire resource intelligence to inform fire weather impact-based decision support products and services for safety;
(7) work with Federal agencies to provide data, tools, and services to support determination by such agencies for the implementation of mitigation measures; and
(8) provide training and guidance to ensure effective media utilization of impact-based decision support products and guidance to
the public regarding actions needing to be taken;
(9) provide comprehensive training to en-
sure staff of the program established under subsection (a) is properly equipped to deliver the impact-based decision support products and services described in paragraphs (1) through (8); and
(10) acquire through contracted purchase private sector-produced observational data to fill identified gaps, as needed.

(e) EMERGENCY AGREEMENTS.—
(f) PROGRAM ADMINISTRATION PLAN.—
(g) CONSIDERATIONS.—In acquiring high-
performance computing resources and capacity for
safeguarding the national security interests; and
(h) CETRICAL ADMINISTRATION DATA
MANAGEMENT.
SEC. 5704. NATIONAL OCEANIC AND ATMOS-
HEREIC ADMINISTRATION DATA
MANAGEMENT.
Section 301 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 6351) is amended—
(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and
(2) by inserting after subsection (e) the follow-
ing:
''(f) DATA AVAILABILITY AND MANAGE-
MENT.—
''(1) IN GENERAL.—The Under Secretary shall—
(A) make data and metadata generated or
collected by the National Oceanic and Ad-
ministration that the Under Secretary has
the legal right to redistribute fully and open-
ly available, in accordance with chapter 35 of
title 44, United States Code, and the Founda-
tions for Evidence-Based Policymaking Act of 2018 (Public Law 115–453; 132 Stat. 5529) and
the amendments made by that Act, and pre-
serve and curate such data and metadata, in
accordance with chapter 35 of title 44, United States Code (commonly known as the ‘‘Fede-
ral Records Act of 1950’’), in order to maxi-
mize use of such data and metadata;
and
(B) manage and steward the access, archi-
val, and retrieval activities for the data and
metadata described in subparagraph (A) by—
''(i) using—
(I) enterprise-wide infrastructure, emerg-
ing technologies, commercial partnerships,
and the skilled workforce needed to provide appropriate data management from collect-
to collection and
(II) associated information services;
and
(ii) pursuing the maximum interoper-
ability of data and information by—
(I) information, knowl-
edge, and tools from across the Federal Gov-
ernment to support equitable access, cross-
sectoral collaboration and innovation, and
local planning and decision-making; and
(II) developing standards and practices for
the adoption and citation of digital object
identifiers for datasets, models, and analyti-
cy tools.
''(2) COLLABORATION.—In carrying out this
subsection, the Under Secretary shall col-
150laborate with marketplace participants and stakeholders as the Under Secretary con-
siders relevant—
(A) to develop standards to pursue max-
imum interoperability of data, information,
knowledge, and tools across the Federal Gov-
ernment, convert historical records into
common digital formats, and improve access
and usability of data by partners and stake-
holders;
(B) to identify and solicit relevant data
from Federal and international partners and
other relevant stakeholders, as the Under
Secretary considers appropriate;
(C) to develop standards and practices for
the adoption and citation of digital object
identifiers for datasets, models, and analyti-
cy tools; and
(D) to ensure that, to the maximum ex-
tent possible, data access and distribution is
compatible with national security equities.''
SEC. 5705. DIGITAL FIRE WEATHER SERVICES
AND DATA MANAGEMENT.
SEC. 5706. HIGH-PERFORMANCE COMPUTING.
SEC. 5707. GOVERNMENT ACCOUNTABILITY OF
FIRE REPORT ON FIRE WEATHER SERVICES PROGRAM.
SEC. 5708. FIRE WEATHER TESTBED.
SEC. 5709. PROGRAM ADMINISTRATION PLAN.
SEC. 5710. D A T A AVAILABILITY AND MANAGE-
MENT.
SEC. 5711. PROHIBITION.
(i) Covered foreign entity.—The term "covered foreign entity" means an entity included on a list developed and maintained by the Secretary of Homeland Security;

(ii) Covered unmanned aircraft system.—The term "covered unmanned aircraft system" means an unmanned aircraft system described in subclauses (I) through (IV).

(iii) Covered foreign entity.—The term "covered foreign entity" means an entity included on a list developed and maintained by the Secretary of Homeland Security;

(iv) Covered uncrewed aircraft system.—The term "covered uncrewed aircraft system" has the meaning given the term "uncrewed aircraft system" in section 44801 of title 49, United States Code.

(b) covered unmanned aircraft system.—The term "covered unmanned aircraft system" means an unmanned aircraft system described in subclauses (I) through (IV).

(c) covered uncrewed aircraft system.—The term "covered uncrewed aircraft system" has the meaning given the term "uncrewed aircraft system" in section 44801 of title 49, United States Code.

SEC. 5710. INCIDENT METEOROLOGIST SERVICE.

(a) Establishment.—The Under Secretary shall establish the Incident Meteorologist Service within the National Weather Service (in this section referred to as the "Service").

(b) Inclusion of existing incident meteorologists.—The Service shall include—

(1) improvements in obtaining, assimilating, and disseminating observational data;

(2) improvements in obtaining, assimilating, and disseminating observational data;

(3) improvement in obtaining, assimilating, and disseminating observational data;

(4) improvement in obtaining, assimilating, and disseminating observational data;

(5) improvement in obtaining, assimilating, and disseminating observational data;

(6) improvement in obtaining, assimilating, and disseminating observational data;

(7) improvement in obtaining, assimilating, and disseminating observational data;

(8) improvement in obtaining, assimilating, and disseminating observational data;

(9) improvement in obtaining, assimilating, and disseminating observational data;

(c) Functions.—The Service shall provide—

(1) on-site impact-based decision support services to Federal, Tribal, and local emergency responders and to Federal, Tribal, and local government decision makers and to other users of the Service; and

(2) support to Federal, Tribal, and local government decision makers, partners, and stakeholders for seasonal needs.

(d) Deployment.—The Service shall be deployed—

(1) as determined by the Under Secretary; or

(2) at the request of the head of another Federal agency with the approval of the Under Secretary.

(e) Staffing and Resources.—In establishing and maintaining the Service, the Under Secretary shall identify, acquire, and maintain adequate levels of staffing and resources to meet user needs.

(f) Symbol.—

(1) In general.—The Service may—

(A) create, adopt, and publish in the Federal Register a symbol for the Service; and

(B) restrict the use of such symbol as appropriate.

(2) Use of symbol.—The Under Secretary may authorize the use of a symbol adopted under this subsection by any individual or entity as the Under Secretary considers appropriate.

(g) Use of symbol.—The Under Secretary may authorize the use of a symbol adopted under this subsection by any individual or entity as the Under Secretary considers appropriate.

(h) Symbol.—The Under Secretary may—

(A) create, adopt, and publish in the Federal Register a symbol for the Service; and

(B) restrict the use of such symbol as appropriate.

(i) Use of symbol.—The Under Secretary may authorize the use of a symbol adopted under this subsection by any individual or entity as the Under Secretary considers appropriate.

(j) Symbol.—The Under Secretary may—

(A) create, adopt, and publish in the Federal Register a symbol for the Service; and

(B) restrict the use of such symbol as appropriate.

(k) Use of symbol.—The Under Secretary may authorize the use of a symbol adopted under this subsection by any individual or entity as the Under Secretary considers appropriate.

(l) Symbol.—The Under Secretary may—

(A) create, adopt, and publish in the Federal Register a symbol for the Service; and

(B) restrict the use of such symbol as appropriate.

(m) Use of symbol.—The Under Secretary may authorize the use of a symbol adopted under this subsection by any individual or entity as the Under Secretary considers appropriate.

(n) Symbol.—The Under Secretary may—

(A) create, adopt, and publish in the Federal Register a symbol for the Service; and

(B) restrict the use of such symbol as appropriate.

(o) Use of symbol.—The Under Secretary may authorize the use of a symbol adopted under this subsection by any individual or entity as the Under Secretary considers appropriate.

(p) Symbol.—The Under Secretary may—

(A) create, adopt, and publish in the Federal Register a symbol for the Service; and

(B) restrict the use of such symbol as appropriate.

(q) Use of symbol.—The Under Secretary may authorize the use of a symbol adopted under this subsection by any individual or entity as the Under Secretary considers appropriate.

(r) Symbol.—The Under Secretary may—

(A) create, adopt, and publish in the Federal Register a symbol for the Service; and

(B) restrict the use of such symbol as appropriate.

(s) Use of symbol.—The Under Secretary may authorize the use of a symbol adopted under this subsection by any individual or entity as the Under Secretary considers appropriate.

(t) Symbol.—The Under Secretary may—

(A) create, adopt, and publish in the Federal Register a symbol for the Service; and

(B) restrict the use of such symbol as appropriate.

(u) Use of symbol.—The Under Secretary may authorize the use of a symbol adopted under this subsection by any individual or entity as the Under Secretary considers appropriate.
Aviation Administration, and the Department of Defense to the extent practicable.

(2) STANDARDIZATION.—Any standardization implemented under paragraph (1)(B) shall include activities to upgrade or improve individual units of the system.

(3) REMOTE AUTOMATIC WEATHER STATION COORDINATION.—The Under Secretary, in collaboration with the Administrator of the Federal Aviation Administration and the National Interagency Fire Center, shall assess and develop cooperative agreements to improve coordination, interoperability, and reusability of observing assets, and placement of remote automatic weather stations for the purpose of improving utility and coverage of remote automatic weather stations, automated surface observing systems, fire monitoring platforms, and other similar stations and systems for weather and climate operations.

(b) Report to Congress.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Under Secretary, in collaboration with the Administrator of the Federal Aviation Administration and the Secretary of Defense, shall submit to the appropriate committees of Congress a report that—

(A) includes the findings of the assessment required by subparagraph (A) of subsection (a)(1); and

(B) the plan required by subparagraph (B) of such subsection.

(2) ELEMENTS.—The report required by paragraph (1) shall include a detailed assessment of appropriations required—

(A) to address the findings of the assessment required by subparagraph (A) of subsection (a)(1); and

(B) to implement the plan required by subparagraph (B) of such subsection.

(c) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 4 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) evaluates the functionality, utility, reliability, and operational status of the automated surface observing system across the Administration, the Federal Aviation Administration, and the Department of Defense;

(2) evaluates the progress, performance, and implementation of the plan required by subsection (a)(1)(B); and

(3) assesses the efficacy of cross-agency collaboration and stakeholder engagement in carrying out the plan and provides recommendations to improve such activities;

(4) evaluates the operational continuity and resilience of the system, particularly in remote and rural areas and areas where system failure would have the greatest negative impact to the community, and provides recommendations to improve such continuity and reliability;

(5) assesses Federal coordination regarding the remote automatic weather station network, air resource advisors, and other Federal observing assets used for weather and climate modeling and response activities, and provides recommendations for improvements; and

(6) includes such other recommendations as the Comptroller General determines are appropriate to the system.

SEC. 5712. EMERGENCY RESPONSE ACTIVITIES.

(a) DEFINITIONS.—In this section:

(1) BASIC PAY.—The term ‘basic pay’ includes any applicable locality-based comparability pay supplement under section 5304 of title 5, United States Code, any applicable special rate supplement under section 5305 of such title, or any equivalent payment under a similar pay supplement or law.

(2) COVERED EMPLOYEE.—The term ‘covered employee’ means an employee of the Department of Agriculture, the Department of the Interior, or the Department of Commerce.

(3) COVERED SERVICES.—The term ‘covered services’ includes services performed by a covered employee while serving—

(A) as a wildland firefighter or a fire management response official, including a regional fire director, or a fire management officer;

(B) as an incident meteorologist accompanying a wildland firefighter crew; or

(C) on an interagency management team, at the National Interagency Fire Center, at a Geographic Area Coordinating Center, or at an incident operations center.

(4) PREMIUM PAY.—The term ‘premium pay’ means premium pay paid under a provision of law described in the matter preceding paragraph (1) of section 5547(a) of title 5, United States Code.

(5) RELEVANT COMMITTEES.—The term ‘relevant committees’ means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on Energy and Natural Resources of the Senate;

(F) the Committee on Oversight and Reform of the House of Representatives;

(G) the Committee on Natural Resources of the House of Representatives;

(H) the Committee on Science, Space, and Technology of the House of Representatives;

(I) the Committee on Agriculture of the House of Representatives; and

(J) the Committee on Appropriations of the House of Representatives.

(6) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

(A) the Secretary of Agriculture, with respect to an employee of the Department of Agriculture;

(B) the Secretary of the Interior, with respect to an employee of the Department of the Interior; and

(C) the Secretary of Commerce, with respect to an employee of the Department of Commerce.

(b) WAIVER.—

(1) IN GENERAL.—Any premium pay received by a covered employee for covered services shall be disregarded in calculating the aggregate of the basic pay and premium pay for the covered employee for purposes of applying the limitation on premium pay under section 5547(a) of title 5, United States Code.

(2) CALCULATION OF AGGREGATE PAY.—Any pay that is disregarded under paragraph (1) shall be included in calculating the aggregate pay of the applicable covered employee for purposes of applying the limitation under section 5307 of title 5, United States Code, during calendar year 2023.

(c) PLAN TO ADDRESS NEEDS.—

(1) ELEMENTS.—The plan developed under paragraph (1) shall not be contingent on any Secretary receiving amounts appropriated for fiscal years beginning in fiscal year 2024 in amounts greater than amounts appropriated for fiscal year 2023.

(2) SUBMITTAL.—Not later than 30 days before the date on which the Secretaries implement the plan described in paragraph (1), the Secretaries shall submit the plan to the relevant committees.

(3) LIMITATION.—The plan developed under paragraph (1) shall not be contingent on any Secretary receiving amounts appropriated for fiscal years beginning in fiscal year 2024 in amounts greater than amounts appropriated for fiscal year 2023.

(d) POLICIES AND PROCEDURES FOR HEALTH, SAFETY, AND WELL-BEING.—The Secretary concerned shall maintain policies and procedures to promote the health, safety, and well-being of covered employees.

SEC. 5713. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON INTERAGENCY WILDFIRE FORECASTING, PREVENTION, PLANNING, AND MANAGEMENT BODIES.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) identifies all Federal interagency bodies established for the purpose of wildfire forecasting, prevention, planning, and management (such as wildfire councils, commissions, and workgroups), including—

(A) the Wildland Fire Leadership Council;

(B) the National Interagency Fire Center;

(c) the Wildland Fire Management Policy Committee;

(d) the Wildland Fire Mitigation and Management Commission;

(E) the Joint Science Fire Program;

(F) the National Interagency Coordination Center;

(G) the National Predictive Services Oversight Group;

(H) the Interagency Council for Advancing Meteorological Services, including—

(i) the National Wildfire Coordinating Group;

(ii) the National Multi-Agency Coordination Group;

(iii) the Mitigation Framework Leadership Group;

(2) evaluates the roles, functionality, and utility of such interagency bodies;

(3) evaluates the progress, performance, and implementation of such interagency bodies; and

(4) assesses efficacy and identifies potential overlap and duplication of such interagency bodies in carrying out interagency...
collaboration with respect to wildfire pre-
vention, planning, and management; and
(5) includes such other recommendations as the
Comptroller General determines are appro-
priate to streamline and improve wild-
fire forecasting, prevention, planning, and
management, including recommendations re-
garding the interagency bodies for which the
additional funds are allocated.

SEC. 5714. AMENDMENTS TO INFRASTRUCTURE
INVESTMENT AND JOBS ACT RELAT-
ING TO WILDFIRE MITIGATION.

The Infrastructure Investment and Jobs Act
(Public Law 117-58; 135 Stat. 249) is amended—
(1) in section 70202—
(A) in paragraph (1)—
(i) in subparagraph (A), by striking "and";
and inserting a semicolon;
(ii) in subparagraph (B), by striking the pe-
riod at the end and inserting a semicolon;
and
(iii) by adding at the end the following:
"(L) the Committee on Commerce,
Science, and Transportation of the Senate;
and"
(B) in paragraph (6)—
(i) in subparagraph (B), by striking "and";
and inserting a semicolon;
(ii) in subparagraph (C), by striking the pe-
riod at the end and inserting "; and";
and
(iii) by adding at the end the following:
"(D) the Secretary of Commerce, acting
through the Under Secretary of Commerce
for Oceans and Atmosphere;''; and
(2) in section 70203(b)(1)—
(A) in the matter preceding clause (1), by
striking "9" and inserting "not fewer than
10";
(B) in clause (1)—
(i) in subclause (IV), by striking "; and"
and inserting a semicolon;
(ii) in subclause (V), by adding "and" at
the end;
and
(iii) by adding at the end the following:
"(VI) the National Oceanic and Atmos-
pheric Administration.''
(C) in clause (iv), by striking "; and"
and inserting a semicolon;
and
(D) by striking at the end and inserting the
following:
"(vii) if the Secretaries determine it to be
appropriate, 1 or more representatives from
the relevant line offices of the National Oce-
anic and Atmospheric Administration and
the Department of the Interior that have
jurisdiction over wildland fire response
functions.

SEC. 5715. WILDFIRE TECHNOLOGY MODERNIZATION
AMENDMENTS.

Section 322 of Title 10, John D. Dingell, Jr.
Conservation, Management, and Recreation Act
(43 U.S.C. 1740b-1) is amended—
(1) in subsection (c)(3), by inserting "the
National Oceanic and Atmospheric Admin-
istration," after "Federal Aviation Admin-
istration,''
(2) in subsection (e)(2)—
(A) in the matter following subparagraph (B) as
subparagraph (C); and
(B) by inserting after subparagraph (A) the
following:
"B) Consultation.—"
(1) IN GENERAL.—In carrying out subpara-
graph (A), the Secretaries shall consult with
the Under Secretary of Commerce for Oceans
and Atmosphere regarding any development of
impact-based decision support services that
relate to wildfire-related activities of the
National Oceanic and Atmospheric Admin-
istration.
"(ii) DEFINITION OF IMPACT-BASED DECISION
SUPPORT SERVICES.—In this subparagraph,
the term "impact-based decision support
services" means actionable information ser-
vices that support and improve wildland fire
management activities that are not currently in
place and that demonstrate improved perfor-
ance relative to wildfire-related activities of
the National Oceanic and Atmospheric
Administration.

SEC. 5716. COOPERATION, COORDINATION, SUP-
PORT TO NON-FEDERAL ENTITIES.

(a) COOPERATION.—Each Federal agency shall
coordinate with and support the Under Secretary,
as appropriate, in carrying out this title and the
amendments made by this title.
(b) COORDINATION.—
(1) IN GENERAL.—In meeting the require-
ments under this title and the amendments
made by this title, the Under Secretary shall
coordinate, and as appropriate, establish agree-
ments with Federal and external partners
to fully use and leverage existing assets,
systems, networks, technologies, and sources
of data.
(2) INCLUSIONS.—Coordination carried out
under paragraph (1) shall include coordination
with—
(A) the National Interagency Fire Center,
including the Predictive Services Program
that provides impact-based decision support
services to the wildland fire community at
the Geographical Allocation Center and the
National Interagency Coordination Center;
(B) the National Wildfire Coordinating
Group; and
(C) relevant interagency bodies identified
in the report required by section 5713.
(3) CONSULTATION.—In carrying out this
subsection, the Under Secretary shall con-
sult with Federal partners.
(c) COORDINATION WITH NON-FEDERAL ENTI-
TIES.—Not later than 540 days after the date
of the enactment of this Act, the Under Secre-
tary shall develop and submit to the appro-
priate committees of Congress a report on
Federal and non-Federal efforts to interoper-
ate, consolidate, and share related information
and other resources with Federal partners
and the National Interagency Coordination
Center, the Forest Service, and the National
Wildfire Coordinating Group, and the
Wildland Fire Incident Management System,
including—
(i) high-priority recommendations for
improvements and enhancements to the
Wildland Fire Incident Management System
and the Forest Service Information System
that meet the needs of Federal, State,
local, and tribal fire managers and
Washington and local visitors;
(ii) an assessment of the potential for
the National Interagency Coordination
Center to provide comprehensive fol-
tage and fuel condition data to Federal
and non-Federal partners; and
(iii) a description of high-priority rec-
ommendations for the National Inter-
agency Coordination Center to lead or
support initiatives to improve the
Wildland Fire Incident Management
System.

SEC. 5717. INTERNATIONAL COORDINATION.

(a) IN GENERAL.—The Under Secretary, in
cooperation with the Secretary of Commerce,
may enter into memoranda of understanding with
foreign partners and counterparts to address
boundary issues pertaining to wildfires,
fire weather, smoke, air quality, and associ-
ed conditions and hazards or other rele-
vant meteorological phenomena, as appro-
priate, to facilitate full and open exchange of
data and information.
(b) COORDINATION.—In carrying out activi-
ties under this section, the Under Secretary shall
coordinate with other Federal agencies as
required.

SEC. 5718. SUBMISSIONS TO CONGRESS REGARD-
ING THE FIRE WEATHER SERVICES PROGRAM,
METEOROLOGIST WORKFORCE NEEDS, AND NA-
TIONAL WEATHER SERVICE WORK-
FORCE SUPPORT.

(a) REPORT TO CONGRESS.—Not later than
540 days after the date of the enactment of
this Act, the Under Secretary shall submit to
the appropriate committees of Congress—
(1) the plan described in subsection (b);
(2) the assessment described in subsection
(c); and
(3) the assessment described in subsection
(d).
(b) FIRE WEATHER SERVICES PROGRAM
PLAN.—
(1) ELEMENTS.—The plan submitted under
subsection (a)(1) shall contain—
(A) the observational data, modeling re-
quirements, ongoing computational needs,
research, development, and technology
transfer activities, data management, staff,
and personnel retirement needs; and
(B) the National Oceanic and Atmospheric
Commissioned Officer Corps Amendments Act of 20
mospheric Administration Commissioned Of-
(b) by adding at the end the following:
(C) in clause (iv), by striking "; and"
and inserting a semicolon;
(D) by adding at the end the following:
(2) COOPERATION.—In carrying out para-
graph (1), the Secretaries shall collaborate with
the National Oceanic and Atmospheric
Administration.''

SEC. 5719. NATIONAL WEATHER SERVICE
TRANSPORTATION OF THE SENATE;
and
"(M) the Committee on Commerce,
Science, and Transportation of the Senate;
and"
and moving such subparagraph, as so redes-
ignation, "Federal Aviation Adminis-
tation,''
(1) in paragraph (1)—
(i) in subparagraph (A), by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving subparagraphs, as so redesign,
eg 2 ems to the right;
(B) by striking "The Secretaries" and
inserting the following:
"(1) IN GENERAL.—The Secretaries'';
and
(C) by adding at the end the following:
"(2) COLLABORATION.—In carrying out para-
graph (1), the Secretaries shall coordinate with
the National Oceanic and Atmospheric
Authority to improve coordina-
tion, utility of systems and assets, and inter-
operability of data for smoke prediction,
forecasting, and modeling.''

SEC. 5716. COOPERATION, COORDINATION, SUP-
PORT TO NON-FEDERAL ENTITIES.

(a) COOPERATION.—Each Federal agency shall
coordinate with and support the Under Secretary, as appropriate, in carrying out this title and the amendments made by this title.
(b) COORDINATION.—
(1) IN GENERAL.—In meeting the require-
ments under this title and the amendments
made by this title, the Under Secretary shall
coordinate, and as appropriate, establish agree-
ments with Federal and external partners
to fully use and leverage existing assets,
systems, networks, technologies, and sources
of data.
(2) INCLUSIONS.—Coordination carried out
under paragraph (1) shall include coordination
with—
(A) the National Interagency Fire Center,
including the Predictive Services Program
that provides impact-based decision support
services to the wildland fire community at
the Geographical Allocation Center and the
National Interagency Coordination Center;
(B) the National Wildfire Coordinating
Group; and
(C) relevant interagency bodies identified
in the report required by section 5713.
(3) CONSULTATION.—In carrying out this
subsection, the Under Secretary shall con-
sult with Federal partners.
(c) COORDINATION WITH NON-FEDERAL ENTI-
TIES.—Not later than 540 days after the date
of the enactment of this Act, the Under Secre-
tary shall develop and submit to the appro-
priate committees of Congress a process for
annual coordination with Tribal, State, and
local governments to improve fire weather
products and services.
(d) SUPPORT TO NON-FEDERAL ENTITIES.—(1) IN GENERAL.—In carrying out the activities under this title and the amendments made by this title, the Under Secretary may provide support to non-Federal entities by making funds and re-
sources available under—
(A) competitive grants;
(2) contracts under the mobility program
under subparagraph (A) of section 33 of title 3
United States Code (commonly referred to as
the "Intergovernmental Personnel Act Mo-
tility Program");
(3) cooperative agreements; and
(4) colocation agreements as described in
section 502 of the National Oceanic and At-
mpheric Administration Commissioned Offi-
er Corps Amendments Act of 2020 (39 U.S.C. 851 note prec.).

SEC. 5717. INTERNATIONAL COORDINATION.

(a) IN GENERAL.—The Under Secretary, in
cooperation with the Secretary of State,
may enter into cooperative agreements with
foreign partners and counterparts to address
transboundary issues pertaining to wildfires,
(A) An assessment of need for further support of employees of the National Weather Service engaged in emergency response through services provided by the Public Health Service.

(B) A detailed assessment of appropriations required to secure the level of support services needed as identified in the assessment described in subparagraph (A).

(3) ADDITIONAL SUPPORT SERVICES.—Following the completion of the assessment required by paragraph (1), the Under Secretary shall submit to the Committee an additional support services to meet the needs identified in the assessment.

SEC. 5719. GOVERNMENT ACCOUNTABILITY OFFICE REPORT; FIRE SCIENCE AND TECHNOLOGY WORKING GROUP; STRATEGIC PLAN.

(a) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that identifies—

(1) the authorities, roles, and science and support services relating to Federal agencies engaged in or providing wildland fire prediction, detection, forecasting, modeling, resilience, response, management, and assessments; and

(2) recommended areas in and mechanisms by which the agencies listed under paragraph (1) could support and improve—

(A) coordination between Federal agencies, State and local governments, Tribal governments, and other relevant stakeholders, including through examination of possible public-private partnerships;

(B) research and development, including interdisciplinary research, related to fire environments, wildland fires, associated smoke, and the impacts of such environments, fires, and smoke, including—

(i) hand-son training programs for fire response, and in furtherance of a coordinated interagency effort to address wildland fire risk reduction;

(ii) data management and stewardship, the development and coordination of data systems and computational tools, and the creation of a centralized, integrated data collaboration environment for agency data, including historical data, relating to weather, fire environments, wildland fires, associated smoke, and the impacts of such environments, fires, and smoke, and the assessment of wildland fire risk;

(iii) interoperability, usability, and accessibility of the scientific data, data systems, and computational and information tools of the agencies involved;

(iv) coordinated public safety communications relating to fire weather events, fire hazards, and wildland fire and smoke risk reduction strategies; and

(v) secure and accurate real-time data, alerts, and advisories to wildland firefighters and other mission support tools for wildland fire incident command posts.

(b) FIRE SCIENCE AND TECHNOLOGY WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Executive Director of the Interagency Committee for Advancing Weather Services established under section 402 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8542) (in this section referred to as the “Interagency Committee”) shall establish a working group to be known as the “Fire Science and Technology Working Group” (in this section referred to as the “Working Group”).

(2) MEMBERS.—The Working Group shall be chaired by the Under Secretary, or designee.

(c) GENERAL DUTIES.—

(A) IN GENERAL.—The Working Group shall seek recommendations among the agencies listed under subsection (a)(1) and coordinate the planning and management of science, research, technology, and operations related to science and support services for wildland fire prediction, detection, forecasting, modeling, resilience, response, management, and assessments.

(B) INPUT.—The Working Group shall solicit input from non-Federal stakeholders.

(c) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 450 days after the date of enactment of this Act, the Interagency Committee shall prepare and submit to the committees specified in paragraph (3) a strategic plan for interagency collaboration and development that will improve the assessment of fire environments and the understanding and prediction of wildland fires, associated smoke, and the impacts of such fires and smoke, including—

(A) at the wildland-urban interface;

(B) on communities, buildings, and other infrastructure;

(C) on ecosystem services and watersheds;

(D) social and economic impacts;

(E) by developing and encouraging the adoption of science-based and cost-effective measures—

(i) to enhance community resilience to wildland fires;

(ii) to address and mitigate the impacts of wildland fire and associated smoke; and

(iii) to restore natural fire regimes in fire-dependent ecosystems; and

(F) by improving the understanding and mitigation of the effects of weather and long-term drought on wildland fire risk, frequency, and severity;

(G) through integrations of social and behavioral sciences in public safety fire communication;

(H) by improving the forecasting and understanding of prescribed fires and the impacts of such fires, and how those impacts may differ from impacts of wildland fires that originate from an unplanned ignition; and

(I) consideration and adoption of any recommendations included in the report required by subsection (a) pursuant to paragraph (2) of such subsection.

(2) PLAN ELEMENTS.—The strategic plan required by paragraph (1) shall include the following—

(A) A description of the priorities and needs of vulnerable populations;

(B) A description of high-performance computing, visualization, and dissemination needs;

(C) A timeline and guidance for implementation of—

(i) an interagency data sharing system for data relevant to performing fire assessments and modeling fire risk and fire behavior;

(ii) a system for ensuring that the fire prediction model of relevant agencies can be interconnected; and

(iii) to the maximum extent practicable, any recommendations included in the report required by paragraph (1);

(D) A plan for incorporating and coordinating research and observational operations, including from infrared technologies, microwave, radars, satellites, mobile weather stations, and uncrewed aerial systems.

(E) A flexible framework to communicate clear and simple fire event information to the public;

(F) Integration of social, behavioral, risk, and communication research to improve the fire operational environment and societal information programs;

(G) committees specified.—The committees specified in this paragraph are—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Natural Resources of the Senate;

(c) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(D) the Committee on Agriculture of the House of Representatives;

(E) the Committee on Natural Resources of the House of Representatives; and

(F) the Committee on Science, Space, and Technology of the House of Representatives.

SEC. 5720. FIRE WEATHER RATING SYSTEM.

(a) IN GENERAL.—The Under Secretary shall, in collaboration with the Chief of the United States Forest Service, the Director of the United States Geological Survey, the Director of the National Park Service, the Administrator of the Federal Emergency Management Agency, and the Under Secretary shall—

(1) evaluate the system used as of the date of the enactment of this Act to rate the risk of wildfire; and

(2) determine whether updates to that system are required to ensure that the ratings accurately reflect the severity of fire risk.

(b) UPDATE REQUIRED.—If the Under Secretary determines under subsection (a) that updates to the system described in paragraph (1) of such subsection are necessary, the Under Secretary shall update that system.

SEC. 5721. AVOIDANCE OF DUPLICATION.

(a) IN GENERAL.—The Under Secretary shall ensure, to the greatest extent practicable, that activities carried out under this title and the amendments made by this title are not duplicative of activities supported by the Administration, the National Oceanic and Atmospheric Administration or other relevant Federal agencies.

(b) COORDINATION.—In carrying out activities under this title and the amendments made by this title, the Under Secretary shall coordinate with the Administration and heads of other Federal research agencies—

(1) to ensure that activities enhance and complement, but do not constitute unnecessary duplication of, efforts; and

(2) to ensure the responsible stewardship of funds.

SEC. 5722. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to amounts appropriated under title VIII of division D of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1094), there are authorized to be appropriated to carry out new policies and programs to address threats under this title and the amendments made by this title—

(1) $15,000,000 for fiscal year 2023;

(2) $11,360,000 for fiscal year 2024;

(3) $11,360,000 for fiscal year 2025;

(4) $11,360,000 for fiscal year 2026;

(5) $11,360,000 for fiscal year 2027.

(b) FUNDING.—None of the amounts authorized to be appropriated by subsection (a) may be used to unnecessarily duplicate activities funded under title VIII of division D of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1094).

TITLE LVIII—LEARNING EXCELLENCE AND GOOD EXAMPLES FROM NEW DEVELOPERS

SEC. 5801. SHORT TITLE.

This title may be cited as the “Learning Excellence and Good Examples from New Developers Act of 2022” or the “LEGEND Act of 2022”.

SEC. 5802. DEFINITIONS.

In this title—

(1) ADMINISTRATION.—The term “Administration” means the National Oceanic and Atmospheric Administration.

(2) ADMINISTRATOR.—The term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

(3) EARTH PREDICTION INNOVATION CENTER.—The term “Earth Prediction Innovation Center” means the community global weather
research modeling system described in paragraph (5)(E) of section 102(b) of the Weather Research Forecasting and Innovation Act of 2017 (15 U.S.C. 8512(b)), as redesignated by section 5805(g), and (2) any trade secret or commercial or financial information subject to section 301 of the Defense Base Act of 1952 (41 U.S.C. 4331).

SEC. 5803. PURPOSES.

The purposes of this title are—

(1) to support innovation in modeling by allowing interested stakeholders to have easy and complete access to the models used by the Administration, as the Administrator determines appropriate; and

(2) to use vetted innovations arising from access described in paragraph (1) to improve modeling by the Administration.

SEC. 5804. PLAN AND IMPLEMENTATION OF PLAN TO MAKE CERTAIN MODELS AND DATA AVAILABLE TO THE PUBLIC.

(a) IN GENERAL.—The Administrator shall develop and implement a plan to make available to the public the following:

(1) Operational models developed by the Administration.

(2) Models that are not operational models, including experimental and developmental models, as the Administrator determines appropriate.

(3) Applicable information and documentation for models described in paragraphs (1) and (2).

(b) Subject to section 5807, all data owned by the Federal Government and data that the Administrator has the legal right to redistribute that are associated with models made available to the public pursuant to the plan and operational forecasting by the Administration, including—

(A) relevant metadata;

(B) data used for operational models used by the Administration as of the date of the enactment of this Act; and

(C) a description of intended model outputs.

(c) ACCOMMODATIONS.—In developing and implementing the plan under subsection (a), the Administrator may make such accommodations as the Administrator considers appropriate to ensure that the public release of any model, information, documentation, or data pursuant to the plan does not jeopardize—

(1) national security;

(2) intellectual property or redistribution rights, including under titles 17 and 35, United States Code;

(3) any trade secret or commercial or financial information subject to section 522(b)(4) of title 5, United States Code;

(4) any models or data that are otherwise restricted by contract or other written agreement;

(5) the mission of the Administration to protect lives and property; and

(c) PRIORITY.—In developing and implementing the plan under subsection (a), the Administrator shall prioritize making available to the public the models described in subsection (a)(1), (d) PROTECTIONS FOR PRIVACY AND STATISTICAL INFORMATION.—In developing and implementing the plan under subsection (a), the Administrator shall ensure that all models and any models data described in subsection (a)(1) ensure compliance with statistical laws and other relevant data protection requirements, including the protection of any personally identifiable information.

(e) EXCLUSION OF CERTAIN MODELS.—In developing and implementing the plan under subsection (a), the Administrator may exclude models that the Administrator determines will be retired or superseded in fewer than 5 years after the date of the enactment of this Act.

(f) PLATFORMS.—In carrying out subsections (a) and (b), the Administrator may use government servers, contracts or agreements with a private vendor, or any other platform consistent with the purpose of this title.

(g) SUPPORT PROGRAM.—The Administrator shall plan for and establish a program to support infrastructure, including telecommunications and technology infrastructure of the Administration and the platforms described in subsection (a), in carrying out the plan under subsection (a).

(h) TECHNICAL CORRECTION.—Section 102(b) of the Weather Research Forecasting and Innovation Act of 2017 (15 U.S.C. 8512(b)) is amended by striking paragraph (4) and inserting the following:

(4) as added by section 4(a) of the National Integrated Drought Information System Reauthorization Act of 2018 (Public Law 115–422; 132 Stat. 4566) as paragraphs (5)(E) of section 102 of the Weather Research Forecasting and Innovation Act of 2017 (15 U.S.C. 8512(b)).

SEC. 5805. REQUIREMENT TO REVIEW MODELS AND LEVERAGE INNOVATIONS.

The Administrator shall—

(1) constitute a mission of the Earth Prediction Innovation Center, periodically review innovations and improvements made by persons outside the Administration to the operational models made available to the public pursuant to the plan under section 5804(a) in order to improve the accuracy and timeliness of forecasts of the Administration;

(2) if the Administrator identifies an innovation for a suitable model, develop and implement a plan to use the innovation to improve the models described in section 5804(a).

SEC. 5806. REPORT ON IMPLEMENTATION.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the implementation of this title that includes a description of—

(1) the implementation of the plan required by section 5804 in order to improve the models;

(2) the process of the Administration under section 5805—

(A) for engaging with interested stakeholders to learn what innovations those stakeholders have found;

(B) for reviewing those innovations; and

(C) for operationalizing innovations to improve suitable models;

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriorate congressional committees’ means—

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

(2) the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.

SEC. 5807. PROTECTION OF NATIONAL SECURITY AND OTHER INTERESTS.

(a) IN GENERAL.—Notwithstanding any other provision of this title, the Administrator, in consultation with the Secretary of Defense, as appropriate, may withhold any model or data if the Administrator determines doing so to be necessary to protect the national security interests of the United States.

(b) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to supersede any other provision of law governing the protection of the national security interests of the United States.

SEC. 5808. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $2,000,000 for each of fiscal years 2023 through 2027.

(b) DERIVATION OF FUNDS.—Funds to carry out this title shall be derived from amounts authorized to be appropriated to the National Weather Service that are enacted after the date of the enactment of this Act.

SA 6467. MR. REED (for Mr. CORNYN (for himself and Mr. KING)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the H.R. 7900, to appropriate funds for the National Weather Service that are appropriated to carry out this title $2,000,000 for each of fiscal years 2023 through 2027, for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe mili-
(ii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) UNAUTHORIZED IMPORTATIONS.—

(i) IN GENERAL.—An alien described in subsection (a)(1) is subject to revocation of any visa or other entry documentation regardless of whether such other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(1) take effect immediately; and

(2) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 3601 through 3611 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) NATIONAL INTEREST WAIVER.—The President may waive the imposition of sanctions under this section with respect to a person if the President—

(1) determines that such a waiver is in the national interests of the United States; and

(2) submits to Congress a notification of the waiver and the reasons for the waiver.

(e) TERMINATION.—

(1) ORGANIZATION.—Except as provided in paragraph (2), the requirement to impose sanctions under this section, and any sanctions imposed under this section, shall terminate on the earlier of—

(A) the date that is 3 years after the date of the enactment of this Act; or

(B) the date that is 30 days after the date on which the President certifies to Congress that—

(i) the Government of the Russian Federation has ceased its destabilizing activities with respect to the sovereignty and territorial integrity of Ukraine; and

(ii) such termination in the national interests of the United States.

(2) TRANSITION RULES.—

(A) CONTINUATION OF CERTAIN AUTHORITIES.—Any authorities exercised before the termination date under paragraph (1) to impose sanctions with respect to a foreign person under this section may continue to be exercised on and after that date if the President determines that the continuation of those authorities is in the national interests of the United States.

(B) APPLICATION TO ONGOING INVESTIGATIONS.—A decision under paragraph (1) shall not apply to any investigation of a civil or criminal violation of this section or any regulation, license, or order issued to carry out this section, or the imposition of a civil or criminal penalty for such a violation, if—

(i) the violation occurred before the termination date; or

(ii) the person involved in the violation continues to be subject to sanctions pursuant to subparagraph (A).

(1) EXCEPTIONS FOR AUTHORIZED INTELLIGENCE AND LAW ENFORCEMENT AND NATIONAL SECURITY ACTIVITIES.—This section shall not apply to—

(A) activities authorized by the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence, law enforcement, or national security activities of the United States.

(B) EXCEPTION TO COMPLY WITH INTERNATIONAL ECONOMIC Sanctions.—Sanctions established under subsection (b)(2) may not apply with respect to the admission of an alien to the United States if such admission is necessary to comply with the requirements of the United States under the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force on November 21, 1947, between the United Nations and the United States, or the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other international obligations.

(C) HUMANITARIAN EXEMPTION.—The President shall not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices or for the provision of humanitarian assistance.

(2) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The requirements or authority of an exemption under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ‘good’ means any article, natural or manufactured, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall establish a pilot program under subsection (a), the Secretary of Defense shall—

(1) use the systems and processes of the direct vendor delivery system established under the Berry Proct National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 10 U.S.C. 2358 note);

(2) establish a vendor managed inventory approach to pharmaceutical distribution, including a contribution to acquire, manage, and replenish the vendor-held supply, with preference given to suppliers that are managed and sourced in the United States, leveraging innovative technological approaches described in subsection (a) to prevent product expiration and shortages; and

(3) ensure guaranteed access by the Department of Defense to the vendor managed inventory approach specified in paragraph (2) to pharmaceutical ingredients selected for the program under subsection (a) that are under the control of the Secretary of Defense and for military treatment facilities selected under subsection (a) in preventing shortages of commonly used generic drugs and active pharmaceutical ingredients selected for the pilot program.

(d) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status of the pilot program.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) an identification of the military medical treatment facilities selected for subsection (b) and the generic drugs, as well as their active ingredients, selected for the pilot program pursuant to subsection (b); and

(B) a plan for the implementation and management of the pilot program; and

(C) key performance indicators to measure the success of the pilot program in ensuring the availability of generic drugs and active pharmaceutical ingredients selected for the pilot program.

(f) FINAL REPORT.—

(1) IN GENERAL.—Not later than 120 days after the termination date under subsection (d), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a final report on the results of the pilot program.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) measurements of key performance indicators identified in the report required under subsection (e); and

(B) an analysis of the success of the pilot program under subsection (a) in preventing shortages of commonly used generic drugs within the military medical treatment facilities selected under subsection (b), including the speed and agility of drug production; and

(C) recommendations for expansion of the pilot program, including any legislative or governmental actions that may be necessary to ensure the compliance of the Department of Defense with the requirements of this section.

(SA 6468. Mr. REED (for Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill S.796, to authorize the Defense Department to use funds under section 2865 of the National Defense Authorization Act for Fiscal Year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:


(a) IN GENERAL.—Not later than January 1, 2024, the Secretary of Defense, acting through the Defense Logistics Agency, shall establish a pilot program to acquire, manage, and replenish a 180-day supply of not fewer than 30 commonly used generic drugs and their active pharmaceutical ingredients determined by the Secretary to be at risk of shortage under the Berry Proct National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 10 U.S.C. 2358 note); and

(b) MILITARY MEDICAL TREATMENT FACILITIES.—The Secretary of Defense shall select for participation in the pilot program under subsection (a) no fewer than five military medical treatment facilities.
SA 6469. Mr. REED (for Mr. CORNYN (for himself and Mr. KING)) submitted an amendment to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1239. IMPOSITION OF SANCTIONS WITH RESPECT TO RUSSIA.

(a) IDENTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and periodically as necessary thereafter, the President—

(1) shall submit to Congress a report identifying foreign persons that knowingly participate in a transaction described in subsection (b); and

(A) for the sale, supply, or transfer (including transportation) of gold, directly or indirectly, to or from the Russian Federation, or the Government of the Russian Federation, including from reserves of the Central Bank of the Russian Federation held outside the Russian Federation; or

(B) that otherwise involved gold in which the Government of the Russian Federation had any interest; and

shall impose the sanctions described in subsection (b)(1) with respect to each such person; and

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) BLOCKING OF PROPERTY.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a foreign person identified in the report required under subsection (a)(1) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—(A) VISA, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) In general.—An alien described in subsection (a)(1) subject to revocation of any visa shall be immediately and automatically canceled whenever the visa or other entry documentation is or was issued.

(ii) Immediate effect.—A revocation under clause (i) shall take effect immediately; and

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 204 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts, or conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties and sanctions set forth in subsection (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) NATIONAL INTEREST WAIVER.—The President may waive the imposition of sanctions under this section with respect to a person if the President—

(1) determines that such a waiver is in the national interests of the United States; and

(2) submits to Congress a notification of the waiver and the reasons for the waiver.

(e) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the requirement or authority to impose sanctions under this section, and any sanctions imposed under this section, shall terminate on the earlier of—

(A) the date that is 3 years after the date of the enactment of this Act; or

(B) the date that is 30 days after the date on which the President certifies to Congress that—

(i) the Government of the Russian Federation has ceased its destabilizing activities in Ukraine; and

(ii) such termination in the national interests of the United States.

(2) TRANSITION RULES.

(A) CONTINUATION OF CERTAIN AUTHORITIES.—Any authorities exercised before the termination date under paragraph (1) to impose sanctions with respect to a foreign person continue to be exercised on and after that date if the President determines that the continuation of those authorities is in the national interests of the United States.

(B) APPLICATION TO ONGOING INVESTIGATIONS.—The termination date under paragraph (1) shall not apply to any investigation of a civil or criminal violation of this section or any regulation, license, or order issued to carry out this section, or the imposition of a civil or criminal penalty for such a violation, if—

(i) the violation occurred before the termination date; or

(ii) the person involved in the violation continues to be subject to sanctions pursuant to subparagraph (A).

(f) EXCEPTIONS.

(1) EXCEPTIONS FOR AUTHORIZED INTELLIGENCE AND LAW ENFORCEMENT AND NATIONAL SECURITY ACTIVITIES.—This section shall not apply with respect to activities subject to the requirements of chapter V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence, law enforcement, or national security activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL AGREEMENTS.—Sanctions under subsection (b)(2) may not apply with respect to any transaction or any admission of an alien to the United States if such admission is necessary to comply with the obligations of the United States under the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other international obligations.

(3) HUMANITARIAN EXEMPTION.—The President shall not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the purpose of providing food, medicine, or medical devices or for the provision of humanitarian assistance.

(4) EXCEPTION RELATING TO IMPORTATION OF GOODS.—(A) IN GENERAL.—The requirement or authority to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ‘‘good’’ means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(c) DEFINITIONS.—In this section:

(1) The terms ‘‘admission’’, ‘‘admitted’’, ‘‘alien’’, and ‘‘lawfully admitted for permanent residence’’ have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) The term ‘‘foreign person’’ means an individual or entity that is not a United States person.

(3) The term ‘‘knowingly’’, with respect to conduct, a circumstance, or a result, means that the person involved in the violation had actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) The term ‘‘United States person’’ means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SA 6470. Mr. REED (for Mr. CORNYN (for himself and Mr. WHITEHOUSE)) submitted an amendment to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:
SEC. 5. TREATMENT OF EXEMPTIONS UNDER FAR.

(a) DEFINITION.—Section 1 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611) is amended by adding at the end the following:

“(q) The term ‘country of concern’ means—

(1) the People’s Republic of China;

(2) the Russian Federation;

(3) the Islamic Republic of Iran;

(4) the Democratic People’s Republic of Korea;

(5) the Republic of Cuba; and

(6) the Syrian Arab Republic.”.

(b) EXCEPTIONS.—Section 3 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 613), is amended, in the matter preceding subsection (a), by inserting “,” except that the exemptions under subsections (d)(1) and (h) shall apply to any agent of a foreign principal that is a country of concern” before the colon.

(c) SUNSET.—The amendments made by subsections (a) and (b) shall terminate on October 1, 2025.

SA 6471. Mr. REED (for Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title D of title VI, add the following:

“SEC. 632. NOTIFICATION TO NEXT OF KIN UPON THE DEATH OF A MEMBER OF THE ARMED FORCES.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended by adding at the end the following new section:

“1493. Notification to next of kin or other appropriate person: timing; training.

“(a) IN GENERAL.—In the event of a death that requires the Secretary of the military department concerned to provide a death benefit under this subchapter, such Secretary shall notify the next of kin or other appropriate person not later than four hours after such death.

“(b) DEATH OUTSIDE THE UNITED STATES.—If a death described in subsection (a) occurs outside the United States, the Secretary of Defense, in coordination with the Secretary of State, shall attempt to delay reporting, by the media of the country in which such death occurs, of the name of the decedent until after the Secretary of the military department concerned has notified the next of kin or other appropriate person pursuant to subsection (a).

“(c) TRAINING.—The Secretary of the military department concerned shall include a training exercise regarding a death descried in this section in each major exercise or planning conference conducted by such Secretary or the Secretary of Defense.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 75 of title 10, United States Code, is amended by adding at the end the following new item:

“1493. Notification to next of kin or other appropriate person: timing; training.”

SA 6474. Mr. REED (for Mr. GRASSLEY (for himself, Ms. KLOBUCHAR, Mr. LEE, Mr. LEAHY, and Mr. DURBIN)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 4. COMMERCIAL AIR WAIVER FOR NEXT OF KIN REGARDING TRANSPORTATION OF REMAINS OF CASUALTIES.

Section 580A of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) is amended by adding at the end the following new subsection:

“(g) TRANSPORTATION OF DECREASED MILITARY MEMBER.—In the event of a death that requires the Secretary concerned to provide a death benefit under subchapter II of chapter 75 of title 10, United States Code, such Secretary shall provide the next of kin or other appropriate person a commercial air travel use waiver for the transportation of deceased member, who died outside of the United States.”

SA 6473. Mr. REED (for Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE IV—NO OIL PRODUCING AND EXPORTING CARTELS

SEC. 1. SHORT TITLE.

This title may be cited as the “No Oil Producing and Exporting Cartels Act of 2022” or “NOPEC”.

SEC. 2. SHERMAN ACT.

(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

“(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

“(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

“(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product, when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

(b) INAPPLICABILITY OF DEFENSES.—No court of the United States shall decline, based on the act of state, foreign sovereign compulsion, or political question doctrine to make a determination on the merits in an action brought under this title.

(c) ENFORCEMENT.—The Attorney General of the United States shall have the sole authority to bring an action to enforce this section. Any such action shall be brought in any district court of the United States as provided under the antitrust laws.

SEC. 3. NO SOVEREIGN IMMUNITY IN OIL CARTEL CASES.

Title 28, United States Code, is amended—

(1) in section 1605(a)—

(4) in paragraph (5), by striking “or” after the semicolon; and

(b) in paragraph (6), by striking the period at the end of the paragraph and inserting “; or”; and

(c) by adding at the end the following:

“(7) in which the action is brought under section 7A of the Sherman Act.”;

and

(2) in section 1610(a)—

(A) in paragraph (7) by striking the period at the end and inserting “; or”;

and

(B) by adding at the end the following:

“(8) the judgment relates to a claim that is brought under section 7A of the Sherman Act.”;

SEC. 4. SEVERABILITY.

If any provision of this title (or of an amendment made by this title) is held invalid the remainder of this title (or of the amendment) shall not be affected thereby.

SA 6475. Mr. REED (for Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such
fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 546. FOOD INSECURITY AMONG MEMBERS OF THE ARMED FORCES TRANSITIONING OUT OF ACTIVE DUTY SERVICE.

(a) STUDY: EDUCATION AND OUTREACH EFFORTS.—

(1) STUDY.—The Secretary of Defense shall, in conjunction with the Secretary of Veterans Affairs, and the Secretary of Agriculture a report on the coordination of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 4127. SUBCONTRACTING REQUIREMENTS FOR MINORITY-SERVING INSTITUTIONS.

(a) IN GENERAL.—Subchapter III of chapter 63 of title 41, United States Code, is amended by adding at the end the following new section:

(2) E DUCATION AND OUTREACH EFFORTS.—

The Secretary of Defense, working with the Secretary of Veterans Affairs, shall increase education and outreach efforts to members of the Armed Forces who are transitioning out of active duty service, particularly those members identified as being at-risk for food insecurity, to increase awareness of the availability of Federal nutrition assistance programs and eligibility for those programs.

(b) R EPORT ON COORDINATION AMONG DEPARTMENTS.—

(1) I N GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) 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 results of the study conducted under paragraph (1); and

(B) publish such report on the website of the Department of Defense.

(2) E XCEPTIONS.—

(A) Any other information the Secretary of Defense determines to be appropriate.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2026; and

(c) DEFINITION OF MINORITY-SERVING INSTITUTION.—In this section, the term ‘minority-serving institution’ means an institution listed in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).''.

(b) E FFECTIVE DATE.—The table of sections at the beginning of chapter 303 of such title is amended by inserting after the item relating to section 4126 the following new item:

"4127. Subcontracting requirements for minority-serving institutions."

(c) E FFECTIVE DATE.—The amendments made by paragraph (1) take effect on October 1, 2026, and

(2) apply with respect to funds that are obligated toward research relating to food insecurity by each such department.

At the beginning of section 822, S. Res. 823, and S. Res. 824.

The PRESIDING OFFICER. The clerk would like to cooperate with this request by providing relevant testimony in this trial from Ms. Brown.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. Mr. President, in three criminal cases pending in Federal district court in the District of Columbia and arising out of the events of January 6, 2021, the prosecution has requested testimony from Senate witnesses.

In the ongoing trial of Stewart Rhodes, the alleged founder and leader of the Oath Keepers, and four co-defendants, the prosecution has requested testimony from Virginia Brown, former Senate Chamber assistant, operating under the authority of the then-Secretary for the Minority of the Senate and the Sergeant at Arms and Doorkeeper of the Senate. In that role, Ms. Brown was a witness to the charged events. Then-Senator for the Minority Myrick and Senator Sergeant at Arms Gibson would like to cooperate with this request by providing relevant testimony in this trial from Ms. Brown.

In two other cases arising out of the events of January 6, 2021, against Jeremy Groseclose and Melody Steele-Smith, in which trials are scheduled to begin on November 14, 2022, the prosecution has requested testimony from Daniel Schwager, formerly counsel to the Secretary of the Senate, concerning his knowledge and observations of the process and constitutional and legal basis for Congress’ counting of the electoral college votes. The prosecution has also sought testimony, if necessary, from Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, which operates under the authority of the Senate Sergeant at Arms and Doorkeeper, to authenticate Senate Recording Studio video of that day. Senate Secretary Gibson would like to cooperate with these requests by providing relevant testimony in these trials from Messrs. Schwager, Russell, and Torres, respectively.

In keeping with the rules and practices of the Senate, these resolutions would authorize the production of relevant testimony from Ms. Brown in the Rhodes case, and from Messrs. Schwager, Russell, and Torres in the Groseclose and Steele-Smith cases, with representation by the Senate legal counsel.

Mr. REED. Mr. President, I further ask that the resolutions be agreed to, the preambles be agreed to, and that the motions to reconsider be considered made and laid upon the table, en bloc, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under “Submitted Resolutions.”)
Executive nominations received by the Senate:

DEPARTMENT OF STATE

VIVEK HALLEGREE MURTHY, OF FLORIDA, TO BE REPRESENTATIVE OF THE UNITED STATES ON THE EXECUTIVE BOARD OF THE WORLD HEALTH ORGANIZATION, VICR BRETT P. GIORGI

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 801:

To be general

LT. GEN. THOMAS A. BUSHIRE

IN THE SPACE FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES SPACE FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 801:

To be lieutenant general

MAJ. GEN. DEANNA M. BURT

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 2123(D):

To be rear admiral

MARY M. DEAN
CHARLES E. POSSE
CHAD L. JACOBY
CAROL A. LBST
MICHAEL W. RAYMOND

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12204:

To be colonel

CHRISTOPHER D. COULSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR AT THE UNITED STATES AIR FORCE ACADEMY AND APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 9830B AND 986(A):

To be colonel

MICHAEL A. KYLAND

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTIONS 501 AND 612:

To be commander

RAMA K. MUTYALA

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTIONS 1444 AND 2125:

To be captain

BRIAN J. MAGGI
MEGHANN K. STEINHAUS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID L. GUTIERREZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JEFFREY THOMPSON, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

PHILLIP E. STONE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MIGHAN K. STEINHAUS

WITHDRAWAL

Executive Message transmitted by the President to the Senate on October 11, 2022 withdrawing from further Senate consideration the following nomination:

LAUREN A. BLACKFORD, OF THE DISTRICT OF COLUMBIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET. VICE DAVID ARTHUR MADRR, WHICH WAS SENT TO THE SENATE ON JANUARY 4, 2022.